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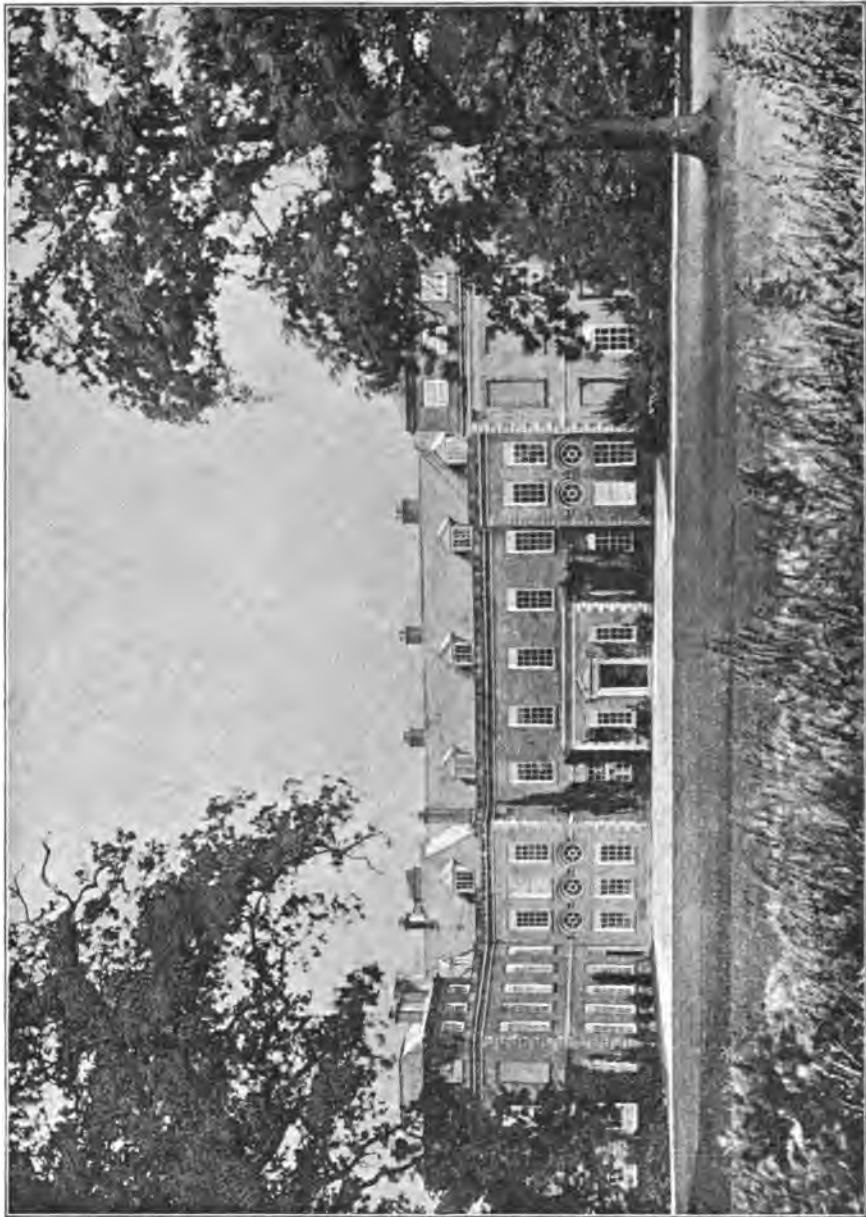
FROM THE FUND

IN MEMORY OF

CHARLES GROSS

GURNEY PROFESSOR OF HISTORY AND POLITICAL
SCIENCE





SHAVINGTON HALL.

THE HISTORY
OF
SHAVINGTON,
IN THE
COUNTY OF SALOP,

BY
HENRY D. HARROD, F.S.A.

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PREFACE.

THIS VOLUME owes its existence to the time-honoured disputes of which it contains an account.

When Mr. Heywood-Lonsdale agreed to purchase the Shavington Estates in 1884, various rumours of these ancient differences came to his ears which he naturally desired to have explained.

In the first place, he learnt that Mr. Corbet, of Adderley, claimed a heriot on the alienation of Shavington, though it seemed doubtful what the nature of the heriot might be. The only ascertainable fact was that the present Earl had compounded for the heriot for £5 on the death of his grandfather the late Earl, but vague rumours were afloat of much greater demands having been enforced on former occasions. There was a story of a former Viscount having had his best hunter taken by an ancestor of Mr. Corbet; on which occasion his Lordship, with the humour characteristic of his family, employed the crier of Market Drayton to proclaim his loss and announce a reward for the discovery of the perpetrator of the theft. The rights of the matter were, however, unknown.

There is, moreover, a family chapel, or aisle, in Adderley Church, which has been occupied by the family of Lord Kilmorey for many generations, and which Mr. Heywood-Lonsdale naturally wished to have made over to him. About this chapel, too, there were stories afloat of forcible ejection on the part of the Corbet family, even to the extent of armed intervention during Divine Service. No one could, however, say what were the rights of the dispute, or what might be Lord Kilmorey's title to the pew.

The immediate result of the researches made by me at that time was to prove conclusively that no heriot at all was claimable in respect of Shavington proper, though

a heriot on death, but not on alienation, is claimable in respect of certain fields, copyhold of the manor of Stoke-upon-Tern, as will be mentioned hereafter. Further, it appeared that the aisle had been erected by a former Viscount Kilmorey, and that, though his right to erect it in the first instance had been disputed, and his occupation of the pew at one time forcibly contested, yet that, by license of the bishop and by the usage of centuries, it had been assigned to the use of the owner of Shavington.

The ultimate result of these researches was the preparation of the present volume, which Mr. Heywood-Lonsdale desired me to compile after hearing the nature and extent of the information obtained.

The history itself is interesting, less for features of striking public interest than for the complete manner in which it illustrates the gradual formation of an old English estate. There are, however, many details of historical interest, especially in connection with the Civil Wars, the Commonwealth, and the Restoration.

The documents at Shavington had previously been inspected by Mr. Maxwell Lyte (now Deputy Keeper of the Records) on behalf of the Historical MSS. Commission. I found a neat bundle of letters and papers which he had extracted from the heap, and which contained most that was of any public interest among the documents.

I doubt not that the Shavington Muniments had previously been inspected by another great antiquarian before Mr. Maxwell Lyte. Sir Peter Leycester, the historian of Cheshire, was connected with the Kilmoreys by marriage, he having married Elizabeth, (daughter of Gilbert, Lord Gerard) whose mother, Lady Gerard, (daughter of Thomas Dutton, of Dutton) was subsequently second wife to Robert, second Viscount Kilmorey; and Sir Peter was himself trustee of Viscount Kilmorey's estates.

The manner of keeping family title-deeds at Shavington was not elegant, but it has been effectual, for nothing material seems to have been lost, and the deeds themselves are in wonderfully good preservation. To this is owing the complete information of the devolution of the property which I have been able to gather together. The completeness of the documentary evidence indeed, whilst it has in some respects lightened my labours, has, from its great detail, somewhat complicated them. Those of the muniments which relate to the Shavington estate have

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now been arranged and scheduled, and a full account of them will be found in "The Muniments of Shavington."

Mr. Heywood-Lonsdale only desired such particulars of the history of Shavington as could be gleaned from the MSS., and, as will be seen from the history itself, I have seldom gone further afield for information.

There is very little trustworthy information, indeed, to be found outside, with the exception of such as is supplied by Eyton, and to him I am indebted for the greater part of the history of the two centuries after the Conquest. From the thirteenth century downwards the history as conveyed in the Muniments is almost complete.

I am indebted to the Rev. Athelstan Corbet for extracts from the Parish Registers of Adderley and for information as to Adderley Church, and to Mr. C. Trice Martin, F.S.A., of the Public Record Office, for his assistance and advice generally with reference to the materials in hand. In the work itself, some shortcomings must be set down to the limits of my commission, some to the pressure on my time, but none to the want of a good will.

HENRY D. HARROD.

*Reeves,
Chipstead, Surrey,
Xmas, 1889.*



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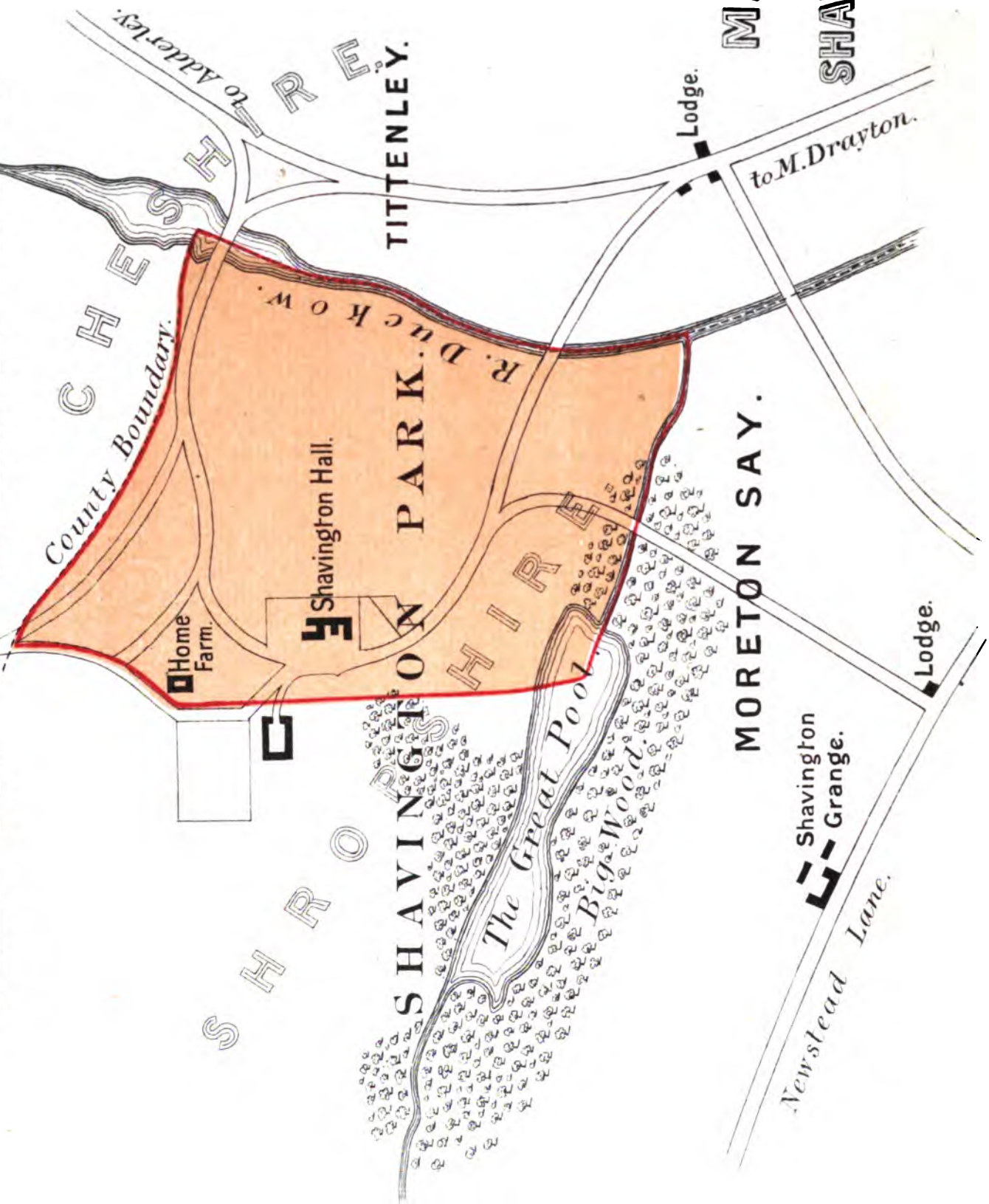
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MANOR OF SHAVINGTON.

MANOR
OF
SHAVINGTON



TITTENLEY.

MORETON SAY.

Shavington
Grange.

Newstead Lane.

County Boundary.

Home Farm.

Shavington Hall.

R. Duckworth.

The Great Pool
Big Wood.

CHAPTER I.

THE TOPOGRAPHY OF SHAVINGTON.

SHAVINGTON is situate in the north-eastern corner of the county of Salop, on the border of Cheshire, a part of the Park indeed being situate in the latter county. The manor of Shavington itself is in Shropshire, the boundary of the manor on the eastern side being also the boundary line between the two counties. The present park comprises what were formerly two parks—those of Shavington, in the county of Salop, and of Tittenley in the county of Chester, the manor and estate of Tittenley being wholly in the latter county. The river or stream, called the Duckow, which flows through the park, forms the dividing line alike of the two manors as of the two counties.

The manor of Shavington, which gives its name to an estate now greatly extended beyond the old limits of the manor, forms as it were the nucleus of the whole estate; successive lords of Shavington having enlarged their borders in all directions, and gradually raised a small and insignificant manor to the proportions of a large estate. The accretions which have effected this alteration are shewn on the plan of the estate,* wherein the different colours indicate different purchases.

Shavington proper, then, by which is meant the manor and township of Shavington, is a property of but small extent. It had not, indeed, in feudal times, the dignity of a separate existence as an independent manor, for its lord held his estate as a member of the paramount manor of Adderley, paying a rent of twelve shillings and sixpence per annum,† and, until feudal tenures were abolished, doing service to the extent of an eighth part of a knight's service.‡

The boundary of Shavington manor has, in recent years, been traced with some care, owing to the claims made upon it by the lord of the manor of Adderley. The

* See map facing this page.

† This rent is still paid. An account of the disputes to which it and the whole question of the tenure gave rise will be found below.

‡ A knight's service consisted in accompanying his lord to the wars for forty days in the year.

nature of these claims will be dealt with hereafter in treating of the tenure of Shavington. It is sufficient to mention here that they caused the present owner of the estate to desire that the nature of his tenure and the extent of his copyhold property* should be defined.

The delimitation of the manor and copyholds was a matter of some difficulty, as the names and descriptions used in the ancient deeds had lost all connection with any particular locality. This arose chiefly from the altered condition of the property, the largely increased area of park, and the consequent removal of boundaries and landmarks.

The copyholds, as I then discovered, and as will be shewn hereafter, are not held, as was supposed, of the lord of the manor of Adderley, but of the lord of the manor of Stoke-upon-Tern, the mistake originating from the two manors of Adderley and Stoke being now in one ownership. By working backwards from these copyholds I was enabled subsequently, by a process of exhaustion, to define the manor of Shavington.

These copyholds came into the hands of the Needham family by two grants from Thomas, Marquess of Dorsett, to Robert Needham, both dated the 20th of April, 1512.† The copyholds included in one deed are described as "three pastures of land "in Eylyswode within the manor of Stoke-upon-Tern, with their appurtenances, late in "the tenure of William Sterky, of which two are called 'le leys' and the third is "called Crobmesmerhill, which lie between the lands of the aforesaid Robert,‡ called "le Eylyswode on the eastern part and Clowley Dole on the western part, and lands "of John Dode, called Forest Land, on the south, and a water duct on the north."

Curiously enough, there is amongst the Muniments§ the lease under which this William Sterky held. This lease, made by the same marquess in 1501-2, demises to William Sterky "the laye next Newstead lane between Calverhall Common and "Elyswood."

The marquess's second grant to Robert Needham comprises "le haunch, as the "same is included in the wood of Morton and one stream and "two pastures, one of which is called Ayleswode, lately the Comynæ, and the other "is called Clowley Dole."

A glance at the map which shows the ancient names side by side with the modern,|| will indicate how it was possible, from these premises, to deduce the position of these ancient localities.

Of the names contained in the grants one bears a sufficient resemblance to a modern name to indicate its identity, Clowley Dole being the modern Cloverly Dole. In the lease to Sterky we find a modern name, "Newstead Lane," which leads to the identification of "the leys" and "Crobmesmerhill" with the meadows lying between the Big Wood in Shavington Park and Newstead Lane, and forming part of what was

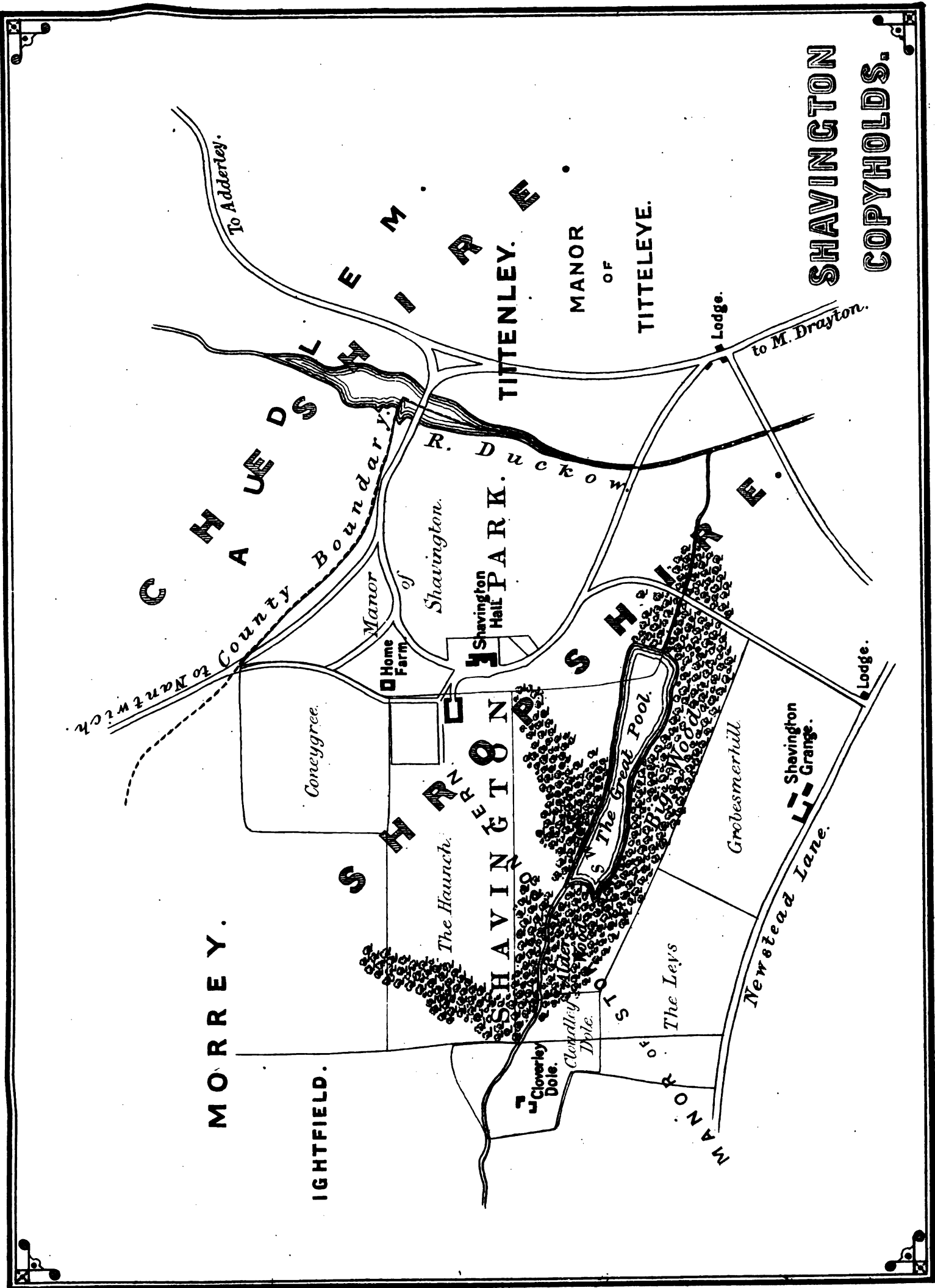
* Although held at a rent, Shavington is freehold property, it having been formerly held by knight-service. Some parts of the estate, however, mentioned hereafter, are copyhold.

† See Muniments of Shavington, § II., 1, ii. 60 and 61.

‡ Robert Needham.

§ See Muniments of Shavington, § II., 1, ii. 59.

|| See map facing this page.



till recently Shavington Grange Farm. The rest of Shavington Grange Farm was in 1835 purchased by Lord Kilmorey from Mr. Dod, a descendant of the John Dode mentioned in Sterky's lease.* This brings us to the assumption that the Big Wood, or the western portion of it, was Elyswode or Ayleswode;† and that the stream or water duct is identical with that stream which to this day flows into the Great Pool in Shavington Park, on the western side. This assumption was confirmed by the fact that, in the survey made in 1760,‡ this part of the wood is called Alder Wood.§ This leaves only "le haunch" and "the Comynæ" for identification. "Le haunch" is described as being in Morton Wood, which is elsewhere used as the name of the Big Wood, so "le haunch" is presumably a part of the Big Wood, or at least of the park on the north side. "The Comynæ" is, in the decree of the Court of Wards in 1610,|| which determined the tenure of the copyholds, described as "the Conygree,"¶ and this name I identified in the survey of 1760 with a field near the present walled garden, called Coneygreeve. This completes the identification of the whole of the copyholds, and also, by a system of elimination, enables us to arrive at the dimensions of the manor of Shavington. Starting from the northernmost point, which is where the county boundary crosses the road leading to Nantwich, the western boundary runs in a southern direction to the courtyard at the back of the Hall and thence to the Great Pool. The eastern boundary, starting from the same point, runs in a south-easterly direction along the county boundary, following the course of an ancient stream on the northward side of the road leading from Nantwich to the stone bridge across the Duckow on the road leading to Adderley. All northward of this boundary was acquired from Lord Combermere, in 1822, and so cannot have formed part of the manor.

From the stone bridges the boundary of the manor and county follows the middle line of the river Duckow in a southerly direction as far as the boundary of the parish of Moreton Say. All east of this line is in the manor of Tittenley and county of Chester. From the point last mentioned the southern boundary of the manor between the Duckow and the Great Pool is identical with the northern boundary of the parish of Moreton Say, all south of that line having been acquired from Colonel Clive in 1830.

This completes the identification of the estate, which, four centuries ago, became the property of the Needham family, with the addition of the outlying estate of Millenheath.

The manor of Tittenley, which lies across the Duckow in the county of Chester, was added somewhat later, about the year 1525. This manor is in the parish of Audlem.

The next addition to the estate was the manor of Ightfield, situate on the western side of the Shavington estate, which was acquired from the Mainwarings in the early

* There is an award amongst the Shavington Muniments settling the boundary between Grobesmer and the lands of John Dode.—See Muniments, § VIII, xiv, 746.

† A note in a document transcribed in the postscript to Chapter V. confirms this. It is as follows: "Memorandum "that Ayleswode, Aldeley Wood, Morton Wood, Northwood, and The Forest, are one and the same."

‡ See Muniments, § XII, H.1332.

§ The wood is called in the old deeds variously Elys, Ayles, and Ellis, which comes very near the German Eller, *i.e.* Alder.

|| See p 28. ¶ Coneygree=rabbit warren. The name is not inapplicable to Shavington at the present day.

part of the eighteenth century. This portion of the estate is situate in the parishes of Ightfield and Whitchurch.

Subsequent additions were made by the acquisition, in 1822, of the lands before-mentioned as having belonged to Lord Combermere, in 1830 of the lands which belonged to Colonel Clive, which are in the parish of Moreton Say, in 1835 of a part of Shavington Grange Farm from Mr. Dod, and in 1836 of the Morrey Farms on the north-western side of the park, which form part of the parish of Adderley.

The Millenheath portion of the estate is detached from the remainder, and is situate in the parishes of Ightfield and Prees. It has twice been separated from the principal estate, only to be reunited, once in the times of the de Shavingtons, and more recently when it was sold to Mr. Heywood-Lonsdale in 1878. On his purchase, in 1885, of the Shavington Estate, the two became reunited in one ownership, for a second time.

The Cloverley estate, which now belongs to the same owner, has never since the Conquest been held by the owner of Shavington, it having for many centuries belonged to the family of Dod. The Cloverley estate was purchased by Mr. Heywood in 1864, and passed to Mr. Heywood-Lonsdale by inheritance in 1887.

CHAPTER II.

EARLY HISTORY OF THE MANOR OF SHAVINGTON.

[1066—1290.]

IT may be safely asserted that few names, if any, which appear in Domesday Book, have undergone such slight alteration in the course of centuries as the name of this manor. It appears there as "Savintone." In 1212, we find "Scavinton," and in 1292, "Shavinton," "Shavynton," and "Schavyngton" occur in MSS. This brings us very near the present title. Compare this with the neighbouring manors of Adderley and Ightfield, which appear in Domesday Book in the almost unrecognisable forms of Eldredelei and Istefelt respectively, and have been through many intermediate variations. In mediæval MSS. we find a few other versions of Shavington, such as "Scainton," "Shaunton," "Shaventon," and "Shenton:" these, however, occur but rarely.

The owner of Shavington, at the date of the first reliable historical information, was one Nigellus. This Nigellus was a clerk and physician of great repute, and no doubt owed his advancement in the world to his attention to the health of King William I. and his court. The manor is said in Domesday Book to have belonged in Anglo-Saxon times to Dodo, a freeman. The manor is thus described there:—

"The [annual] value in Dodo's time was 12 shillings, in Nigellus' 15 shillings. There was $\frac{1}{2}$ a hide geldable. The arable land was for four oxteams, and there were two serfs and three boors, with $\frac{1}{2}$ a team. Nigellus found it waste."*

The same Nigellus held also the larger manor of Adderley. It is thus described in Domesday Book †:—

"Nigellus holds Eldredelei. Edric held it [i.e. in Anglo-Saxon times] and was a freeman. Here are 3 hides geldable. The land would employ $6\frac{1}{2}$ oxteams.

* Eyton, vol. x, p. 7.

† Ibid., vol. x, p. 1.

"In demesne there is one team and 2 neat herds and 4 villans with one team.
 "Here are 2 Hayes. The value of the Manor was and is 15 shillings."

"The same Nigellus held Sponelege." *

Sponelege was Spoonley, a manor which, like Shavington, was a member of the manor of Adderley, but, unlike Shavington, it became absorbed in the larger manor, and has, centuries since, lost any separate existence.

Nigellus also owned another important manor, that of Cloverley, which now, after many centuries, has again the same lord as Shavington. Of Cloverley, the following is the Domesday account:—

"The same Nigellus holds Cavrahalle. Edmoer and Elmi held it [in "Anglo-Saxon times] for 2 manors and were free together with these lands.
 "There are one hide and three virgates geldable. There is land for 6 oxteams.
 "In demesne is one team 2 neat herds 3 villans with one team. The wood will fatten 20 swine. In King Edward's time the manor was worth 18 shillings.
 "Now it yields 20 shillings and a rent of a hawk. †

Cloverley was therefore the most valuable of the four neighbouring manors of Shavington, Adderley, Spoonley, and Cloverley. On the death of Nigellus, his estates escheated ‡ to Earl Hugh de Montgomery. The whole estate subsequently escheated from Earl Robert de Belesme, who held in chief, to the King, Henry I., and were subsequently granted by him to Alan de Dunstanvill. §

Alan de Dunstanvill made a park at Adderley; and he allowed the canons of Haughmond a right of transit through his manor of Adderley to "le Wiche." Either he, or his successor Walter de Dunstanvill, ¶ enfeoffed Henry de Shavington. He also granted his manor of Cloverley to William Fitz Ralph de Blancminster.** We gather this from the fact that, in 1219, Walter de Dunstanvill granted a rent-charge to Shrewsbury Abbey out of his estates. Of this, William Fitz Ralph de Blancminster, his tenant at Cloverley, was to pay 10 shillings, and Henry de Shavington 5 shillings.††

The terms of the grant of Shavington to Henry de Shavington we do not know. From that day to this, however, the manor of Shavington has been held of the lord of the manor of Adderley, and it is not improbable that the tenure, which, in 1610, was fixed by the Court of Wards and Liveries, was the tenure under which Henry de Shavington actually held. This was the eighth part of a knight's service,‡‡ and 12 shillings and sixpence rent. This rent is paid to the present day, but the

* Eyton, vol. x, p. 9.

† Ibid., vol. x, p. 10.

‡ *Escheat* signifies the passing of an estate in feudal tenure to the lord of a superior manor. This frequently happened, as, when a man died without children, or was attainted, or otherwise became incapable of holding property, his estates passed to the lord of the manor under whom he held his estates. When estates were held "in chief" [in capite], that is, with no mesne (or middle) lord, direct from the Crown, they escheated to the King.

§ Eyton, vol. ix, p. 199.

¶ See Postscript III at end of Chapter.

** Blancminster, Albomonasterium, Whitchurch, i.e., Whitechurch.

†† Eyton, vol. ii, p. 333.

‡‡ A knight's service was 40 days' attendance on his lord at war.

service ceased when feudal tenures were abolished by the Statute of Charles II. (12 Car. II., c. 24.) The tenure, however, was the subject of endless disputes between the lords of Shavington and Adderley, which will be dealt with in due course.

The grant to Henry de Shavington was subsequently confirmed, as we find a fine, dated 29 October, 1227, "between Henry de Scaunton and Walter de Dunstanvill " of 4 virgates in Scaunton whereof plea was of warranty. Walter now acknowledges " the right of Henry to hold in fee at 6 shillings and eightpence rent. Henry " renounces all right to the wood called Franche haye, namely ; from Hethethurste " riding to Brocsich and thence to Risewicktebroc. All Shavington Wood outside to " remain to Henry." * The subinfeudation † of Shavington to Henry de Shavington, and of Cloverley to William Fitz Ralph de Blancminster, dismembered the large estate originally held by Nigellus. Both, however, being granted by the lord of the manor of Adderley, were, according to the rules of subinfeudation, then universal, held by their respective owners of the lord of the manor of Adderley by fealty, suit of court, service, and rent, and thus in a manner became subservient to the superior lord of Adderley.‡ Otherwise, the ownership of the estates became severed, only to be reunited in the person of the present owner.

The de Shavingtons being now established as lords of Shavington, we find their names appearing in the scanty records of those days, from time to time, either as jurors at the assizes, or as plaintiffs or defendants to the numerous suits which settled the rights of parties to their respective lands.

In 1255, Henry de Shavington appears at the assizes as juror for Bradford Hundred, and becomes security for a fine imposed on Richard Burnell.§ At the assizes in 1256, William, son of Peter de Saunton, had a suit against him for disseisin of a tenement in Shavington, but the suit was withdrawn.|| In 1257, Henry de Shavington is foreman of the Hodnet jury.

" In August 1267, Henry de Scainton was impleaded by Robert Fitz Gervase " and Felicia his wife, for having disseised them of a messuage and $1\frac{1}{2}$ bovates " of land in Scainton. It was proved that the plaintiffs had been in rebellion, and " that the defendant had obtained the premises under precept from Sir Edward."¶

This Sir Edward was Edward, son of King Henry III, who was, in 1263, Lieutenant of the Marches of Wales.

In the Tenure Rolls of 1284-5, Henry de Shavington again figures as the owner of Shavington:—

" John de la Mere, through Petronilla his wife, holds the manor of Adredeley

* Eyton, vol. x, p. 7.

† *Subinfeudation* was the granting of land by A to B, to be held by B by service, &c., to A as lord. In earlier feudal times, this was the only way in which it was possible to aliene land, so that the number of lords above lords became inconvenient. In 1272, accordingly, by the Statute of *Quia Emptores* [18 Edward I, cap. 1] it was made lawful to aliene land otherwise than by subinfeudation, but only so that the grantee held of the same lord as the grantor.

‡ See Postscript No. I at end of Chapter.

§ Eyton, vol. x, p. 7.

|| Ibid.

¶ Ibid, p 8.

“with its members to wit Schenton Chalverhall and Spoonley of the King in
 “capite sine medio* by service of one knight’s fee. Here the said John holds
 “his free court twice yearly, and determines pleas of bloodshed and hue and cry.
 “The jurors know not by what warranty, but these franchises have been in use
 “for a long time. Of the aforesaid members, Henry de Schenton holds Schenton
 “under John de la Mere, and William de Calverhall holds Calverhall under
 “Bogo de Knovill and his wife Alienore who hold under the aforesaid John.†”

Henry de Shavington extended his property beyond the limits of the manor of Shavington. A glance at the plan of the copyholds‡ shews that all the portions of the old Shavington Estate outside the manor are held of the manor of Stoke upon Tern. This manor, which had belonged successively to the families of de Lacey and de Say,§ was, at the time of Henry de Shavington, held by Theobald de Verdon, Constable of Ireland. He granted to Henry de Shavington a pool and stream in Morton Wood, at the rent of a barbed arrow, feathered with peacock’s feathers.|| The deed which records this grant is preserved amongst the Shavington Muniments.¶ It is interesting as being one of the oldest of these Muniments (which are a very complete collection), and is in excellent preservation. The text of the grant is as follows:—

“Sciant qui sunt ⁊ qui futuri sunt quod Ego Theobaldus de Verdon
 “Constabularius Hybern̄ dedi concessi ⁊ hac præsentī carta mea confirmavi
 “Henrico de Schavinton ⁊ heredibz suis in ppetuū attachiament’ cuiusdam stagni
 “a quadam marlera in campis de Holthale extraverso ad terram meam de bosco
 “de Morton una cū in undationē aque in undantis sup terram meam in p’dco
 “bosco de Morton a stagno p’dicto usque ad stagnū supior̄ vivarii predicti
 “Henr’ de Schavinton hādū ⁊ tenendū de me ⁊ heredibz meis sibi ⁊ heredibz
 “suis in pptuū Reddendo inde annuatim mihi ⁊ heredibz meis unam sagittam
 “barbatam pennatam pennis pavonū in festo S̄ci Michaelis p omn̄ s̄cula s̄clorū
 “Ego vero ⁊ heredes mei p’dcū attachiamentū stagni cū predicta in undationē
 “aque predicto Henrico ⁊ heredibz suis contra omnes hoīes in pptuū warrantizabimus
 “et deffendemus in cuius rei testimoniū huic scripto sigillum meum apposui his
 “testibz Dñis Ada de Napton Wiſto de Schepheys Thoñ de Altone militibz
 “Elpas de Oddesdon Wiſto Camerario Wiſto de Cronley Thoñ de Wyllaston
 “Ivone de Soletune ⁊ aliis.”

“Know all men who are and who shall be that I Theobald de Verdon
 “constable of Ireland have given and granted and by this my present charter
 “confirmed to Henry de Shavington and his heirs for ever an attachment of
 “a certain pool from a certain marl pit in the field of Holthale across to my
 “land of the wood of Moreton together with the overflow of water overflowing
 “upon my land in the said wood of Moreton from the said pool to the upper
 “pool of the fishpond of the said Henry de Shavington *To have and To hold of*

* *Sine medio*, i.e., without any mesne lord. See note on Escheat, p. 6, and Subinfeudation, p. 7.

† Eyton, vol. x, p. 3. See also Postscript No. III.

‡ See Plan facing page 2.

§ See Postscript No. II.

|| This rent is still payable to the lord of the manor of Stoke upon Tern.

¶ See Muniments of Shavington, § I, ii, 16.

SEAL OF THEOBALD DE VERDON.

[Circ. 1280.]

REVERSE.



OBVERSE.



From Deed in Muniments of Shavington.
§ I., ii., 16.

SEAL OF
WILLIAM DE COLTON.

[1315.]



From Deed in Muniments of Shavington.
§ I., iii., 33.

SEAL OF
REGINALD DE SHAVINGTON.

[Circ. 1320.]

(VERY MUCH DEFACED.)



APPARENTLY FROM AN ANTIQUE.
From Deed in Muniments of Shavington.
§ I., i., 4.

SEAL OF
ISABELLA DE FERRARS.

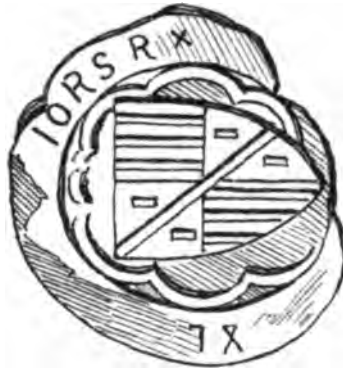
[1344.]



From Deed in Muniments of Shavington.
§ I., ii., 15.

SEAL OF
HUGH DE SHAVINGTON.

[1361.]



From Deed in Muniments of Shavington.
§ I., i., 8.

"me and my heirs to him and his heirs for ever *Yielding* therefor yearly to me and
 "my heirs one barbed arrow winged with the feathers of peacocks on the feast
 "of St. Michael for all ages I indeed and my heirs will warrant and defend the
 "said attachment of a pool together with the said overflow of water to the
 "said Henry and his heirs against all men for ever *In witness* whereof I
 "have set my seal to this writing before these witnesses; Adam de Napton
 "William de Schephys Thomas de Alton Knights Elpas de Oddesdon
 "William the Chamberlain William de Cronley Thomas de Willaston Ivo de
 "Soltun and others."

The pool and stream granted by Theobald de Verdon would seem to have been identical with the Great Pool in Shavington Park and the stream running through it. Its contiguity to Shavington points to this. In the next place, the Big Wood on the south side of the Great Pool is, no doubt, a part of what was formerly Moreton Wood. The reference in various deeds points to this, and it is the only part of the Parish of Moreton Say in which the de Shavingtons ever held any property. The acquisition of other property in this parish dates centuries later.

NOTE TO CHAPTER II.

As will be seen from the frequent references in the notes to this chapter, I have been mainly indebted for the earlier portions to Eyton. His work on Shropshire is an invaluable store-house of the history of the various manors in the county for the first three centuries after the Conquest, so far as it can be gleaned from the public records. The information collected by him about Shavington, for instance, is an example of the completeness of the work, and thus supplies us with exactly what we want. He brings the history down to just that point at which we can commence from the Deeds and MSS.

POSTSCRIPTS TO CHAPTER II.

I.—EARLY HISTORY OF THE MANOR OF ADDERLEY.

The Manor of Adderley being the paramount manor of Shavington, its history in feudal times is indissolubly united to that of Shavington; and it will be of service here to record briefly the early descent of the manor.

We have already seen what is recorded of its history whilst it was united with the manor of Shavington, and in the Tenure Rolls we have seen it as the property of John de la Mere, by right of his wife Petronilla. In the assizes of 1292, John de la Mere appears as the owner *per legem Angliæ*, or by courtesy,* the heir being William de Montfort, a minor. On the 6 October 1309, Bartholomew de Badlesmere purchased Adderley from William de Montfort.

On 12 August 1315, Edward II granted by Charter to Bartholomew de Badlesmere a market at Adderley on Thursday, and a fair on the eve, day, and morrow of SS. Peter and Paul [June 28, 29 & 30]; also free warren in Ideshall, Adderley, Sponleye, Calverhalle and Shavyngton. In 1322, he fought with the rebels at Boroughbridge, was taken prisoner, attainted, and executed, and his estates, which were forfeited thereby, were subsequently restored to his son Giles. On Giles's death, they were granted to his youngest sister, Margery, who married William lord de Roos of Hamalak, and the manor remained in the hands of the de Ros family for many a day.†

* *Tenure by courtesy* was the life estate of a husband, after his wife's death, in her property.

† Eyton, vol. x, pp. 4 & 5.

II.—THE EARLY HISTORY OF THE MANOR OF STOKE UPON TERN.

This manor was held at the date of Doomday by Roger de Laci, under Earl Roger. Roger de Laci enfeoffed Theodoric de Say, who appears as the owner in the reign of Henry I. The powerful family of the de Says were an acquisitive race, and held lands all over the country. In the 13th century, Hugh de Say exchanged the manor of Stoke upon Tern with John de Verdon, but seems to have retained the township of Morton as tenant of John de Verdon, for, in the Bradford Hundred Roll [1255], it is stated that "Robert de Say is lord of the vill of Morton in the manor of Stoke upon Tern, but holds it of John de Verdon." At all events, the Says left their mark on Morton, which is called Moreton Say to this day. John de Verdon was succeeded by Theobald de Verdon, constable of Ireland, mentioned above. His daughter Isabel, who succeeded him, married Lord Ferrars de Groby, and took the manor of Stoke into the Ferrars family.

III.—EXTRACTS FROM THE HUNDRED AND TENURE ROLLS.

The following extracts, which are referred to above, are preserved among the Shavington Muniments.† The first is an Extract from the Hundred Roll relating to Adderley, and the other from the Tenure Rolls of 1284-5:—

Addirdeleg Adirdel Dñus Waltus de Dunstonvill est dñs de Adderdel et tenet in capite de rege et facit
suit dñs regi unius militis p Addirdel et Ydishall et seqt com Seneschall eius venit ad hundr bis in anno
ad turn vic et petit libam suam curiam, &c.

100 Rolls, ii, 56.

Adredeley als } Johes de Lamere p Petronillam uxō eius tenet man'm de Adredley cū membris scil
Aderley } Shavington Calverhall et Sponeley de dno rege in capite sine medio p un feod militis et
habet ibidem libam curiam suā bis in anno p'nta de sanguine fuso et hētes len' jur nesciunt quo warranto
et hiis usi sunt libertatibus p multum tempus de quibus membris Henricus de Shavington tenet villam de
Shavington de p'dicto Johe et Will'us de Calverhall tenet villam de Calverhall de Bogon Knowley et Elinor
uxō eius et ipse de p'dco Johe.

Extract from Tenure Rolls, 1284-5.

* Eyton, vol. ix, p 261.

† Muniments of Shavington, § VIII, ii, 478.

CHAPTER III.

THE EARLY HISTORY OF SHAVINGTON.

[1290—1430.]

IN addition to his property in Shavington and Moreton, Henry de Shavington acquired the nucleus of the Millenheath estate. This consisted of lands in the township of Willaston, a member of the Manor of Prees. This property Henry de Shavington, about the year 1280, granted to his younger son, Alexander, no doubt as a provision for him, otherwise the whole estates would have gone to the elder son, Reginald.

When Henry de Shavington died we cannot precisely determine, but it must have been about 1290, for he was living in 1285, and in 1292 we find his son Reginald reigning at Shavington in his stead.

Reginald de Shavington was not, however, left long in the quiet enjoyment of his estates, for, in 1292, we find him sued by William de Mere on a Writ of right for two-thirds of the Manor of Schavyngton which the plaintiff alleged to have been in the seisin of his grandfather Robert in the time of Richard I. Reginald, however, disposed of the claim and obtained a verdict.*

Reginald de Shavington appears to have been unfortunate in his neighbours, for he shortly afterwards found himself in difficulties with Thomas de Tittleye. This Thomas de Tittleye seems to have been embroiled with several of his neighbours, including William, Lord de Tittleye, for having wrongfully dispossessed them of land in Tittenley. Reginald, however, settled the matter in dispute with himself by a friendly award, which is contained amongst the Muniments. The arbitrators who decided the matter were Roger, Lord de Swynnerton, John de Swynnerton, Henry de Schavinton, and William de Weston.†

On the other side, we find him receding before Hugh de Say, the owner of Moreton. The woods of Moreton at that time seem to have been common land, and we find

* Eyton, vol. x, p. 8.

† See Muniments of Shavington, § I, i, 1.

Hugh de Say obtaining releases from the commoners of their rights. Thus, in 1296, Reginald de Shavington released to Hugh all his claim to enclosures made by Robert de Say in the wood of Morton which he had by the gift of Odo de Hodnet and Edith his daughter.*

Whilst Reginald was thus establishing himself at Shavington, we find his younger brother Alexander enlarging his borders at Millenheath. We saw that Henry de Shavington settled him at Willaston, and we find him, shortly after, acquiring land in the neighbouring township of Ash. This township is a member of the Manor of Whitchurch.† At this date, that manor, which had for centuries been the property of the powerful family of the Warrens, Earls of Surrey, was held by the daughters of William, last Lord de Warren de Blancminster, and their husbands, one of whom, Sir Robert de Bracy, with Matilda, his wife, granted to Alexander de Shavington, and Petronilla, his wife, a messuage and lands in Ash, in the occupation of William de Colton, William Gamel, Richard de Sandford, and Thomas de Sandford. Later on, in 1311, the same William de Colton granted to Alexander de Shavington, and Petronilla, his wife, a messuage, mill, and stream, in Millenheath.‡ In 1314-5, the same William de Colton granted him 2 pence a year rent in Millenheath.§ In this same year (1315) William de Colton granted his property to his son Robert, and Petronilla his wife, and, in the year following, Robert, and Petronilla, his wife, contracted to enfeof Alexander de Shavington of lands in Millenheath.||

Alexander de Shavington thus built up for himself a considerable property in Millenheath, but, some little time after, we find a still larger transaction, no less indeed than the purchase from his brother Reginald of his Shavington estate. It is unfortunately impossible to ascertain from these old grants the whole history of the matter. It must be remembered that, in the days we write of, deeds, in the sense in which we use the term, did not exist. The grant of land was made by what was called "livery of seisin." That is to say, the parties met on the spot and made over the land in the presence of witnesses. A record of the fact was written on parchment, and the names of the principal witnesses present were added. The deeds do not, however, state the consideration or nature of the grant. Many of them were not actual sales of property, but were made for the purpose of avoiding the strict law of entail. It must be borne in mind that it was in those days impossible to devise real property by will, and that, in default of any grant made before death, it passed in strict entail, and was liable to escheat¶ to the superior lord in default of issue. Moreover, the simple descent from father to son was accompanied by so many impositions in the way of fines, wardships, and other matters, that it was frequently found advisable to convey the property to a trusty friend in secret trust, rather than to suffer regular descent. It might possibly have been, therefore, when we find, in 1320, Reginald de Shavington granting the manor of Shavington to his brother Alexander, that the matter was simply a family arrangement. But we also find that, at the same time,

* Muniments of Shavington, § I, ii, 13.

† See Postscript at end of Chapter.

‡ Muniments of Shavington, § I, iii, 30, 31.

§ Ibid., § I, iii, 32.

|| Ibid., § I, iii, 34.

¶ See note, p. 6.

Alexander purchased of Reginald, for the substantial sum of £60, all his chattels and personal property at Shavington.*

This would seem to point to an actual sale of the estate to Alexander, who, on his part, granted, at the same time, to Margaret, Reginald's wife, presumably by way of jointure, the rent of 24 acres held by Magot Hunneson.†

The following is the text of the grant from Reginald de Shavington to his brother:—‡

“Sciant p'sentes ⁊ futuri qd Ego Reginaldus dñus de Shavinton dedi concessi
 “⁊ hac p'senti carta mea confirmavi Alex^o de Schavinton fr̃i meo maneriũ meum
 “de Schavinton cum oĩbus ptinentiis suis infr^a d'c̃m man'iũ ⁊ extr^a ad d'c̃am
 “villam de Schavinton ptinentibz sp^o tantibz una cum estoveriis bosci ⁊ communia
 “pasture q̃m hũi in bosco de Mortone qui vocat' Northwode sicut c'tinet' in
 “carta quam Henr' pat' meus hũit de dono ⁊ co'cessione Walt'ri de Say adeo
 “libē ⁊ quiete sicut d'c̃m maneriũ vuqm p'us tenui Hñd' ⁊ tenend de Capitali dño
 “de Aderdelegh d'cto Alex^o ⁊ hñd' suis masculis de corpore suo procreatis inppetuũ
 “Et si contingat qd d'ctus Alexander sine hñd' masculis de corpore suo procreatis
 “obierit tunc d'cum maneriũ cum suis ptiis rectis hñd' meis plene revertat'.
 “Faciendo inde annuatim capitali dño de Aderdelegh servit' inde debita Et ego
 “p'dtus Reginaldus ⁊ hñd' mei p'dtm maneriũ de Schavinton cum oĩbus ptiis suis
 “p'dto Alex^o ⁊ hñd' suis masculis de corpore suo procreatis contr^a ompnes
 “mortales warentizabim⁹ ⁊ defendem⁹ inppetuũ In cui⁹ rei testimō hanc cartam sigilli
 “mei imp'ssione aprobavi. Hiis testibz Dñis Fulcone extr^aneo ⁊ Rog'o Corbet de
 “Hadlegh militibus Phō de Say Rectore Ec̃le de Hodenet Witto de Weston Hugone
 “de Say Witto de Stuche ⁊ aliis.”

“Know all men present and to come, that I Reginald Lord of
 “Shavington have given granted and, by this my present charter, confirmed
 “to Alexander de Shavington my brother, My Manor of Shavington, with
 “all its appurtenances, within and without the said manor appertaining and
 “belonging to the said township of Shavington, together with Estovers
 “of wood and commons of pasture, which I had in the wood of Moreton,
 “which is called Northwood, as is contained in the charter which Henry my
 “father had of the gift and grant of Walter de Say, as freely & quietly as
 “I even heretofore held the said manor; *To have* & to hold of the
 “Chief lord of Adderley to the said Alexander & the heirs male of his
 “body begotten for ever. And if it shall happen that the said Alexander
 “shall die without heir male begotten of his body, then the said manor
 “with its appurtenances shall fully revert to my right heirs, Doing therefore
 “yearly to the Chief lord of Adderley the services therefor due. And I the
 “said Reginald & my heirs shall warrant & for ever defend the said
 “manor of Shavington with all its appurtenances to the said Alexander

* Muniments of Shavington, § I, i, 428.

† Ibid., § I, i, 5.

‡ Ibid., § I, i, 4.

“and the heirs male of his body begotten. *In* witness whereof I have
 “approved this charter with the impression of my seal before these witnesses,
 “lords Fulk le Strange & Roger Corbet, Knights, Philip de Say Rector of
 “the Church of Hodnet, W^m de Weston, Hugh de Say, W^m de Styche and
 “others.”

Thus we find Alexander de Shavington in possession of considerable estates in Shavington and Moreton as well as in Millenheath, Willaston, and Ash, and to these he subsequently added thirty acres of land in Moreton Wood, by grant from Isabella de Ferrars, lady of Stoke upon Tern, the daughter of Theobald de Verdon, who had married Lord Ferrars de Groby. The following are the terms of this grant* :—

“Sciant p'sentes ⁊ futuri qd ego Isabella de Ferrariis dñā de Stoke sup
 “Tyrne dedi concessi ⁊ hac p'senti carta mea confirmavi Alex^o de Shavynton
 “triginta acras terre ⁊ pasture mee apd Morton wode ac
 “ptiñ in Stoke hñd ⁊ tend^o p'd'tas triginta acras terre ac pasture ac ptiñ
 “suis p'd'to Alex^o ⁊ heredibz de corpore suo legitime pcreatis de me ⁊
 “heredibz meis libere quiete bñ ⁊ in pace in ppetuū Reddendo inde annuatim
 “mihi ⁊ heredibz meis duos solidos ⁊ sex denarios ad Festa Anunč b'te Marie ⁊
 “Sc'ti Mich's p equales partes et faciendo tam capitali dño feodi illius p me
 “⁊ hēdibz meis omnia alia suitia debita et consueta Et si contingat qd p'dctus
 “Alex' sine herede de corpore suo legitime pcreato obierit tunc terra ⁊
 “pastura p'dta ac ptiñ post mortē p'dcti Alexī remaneant Petronille filie Reginaldi
 “de Shavynton fil' ejusdem Alexī tenend' eidem Petronille ⁊ heredibz de corpore
 “suo legitime pcreatis de me ⁊ heredibz meis p om'a p'dta in ppetuū Et
 “si contingat qd eadem Petronilla sñ herede de corpore suo legitime pcreato
 “obierit tñc terra ⁊ pastura p'dta ac ptiñ post mortē p'dicte Petronille remaneant
 “Henrico fil' Alan' de Shavynton tend' eidem Henrico ⁊ heredibz masclis de
 “corpore suo legitime pcreatis de me ⁊ heredibz meis p om'a p'd'ta in ppetuū
 “Et si idem Henricus sine herede masclō de corpō suo legitime pcreato obierit
 “tñc terra ⁊ pastura p'd'ta ac ptiñ ad me ⁊ heredes meos integre revertant Et
 “ego p'd'ta Isabella ⁊ heredes mei p'd'tas terram ⁊ pasturam ac ptiñ p'fatis Alex^o
 “Petronille ⁊ Henrico ⁊ heredibz suis p'd'tis cont' omnes gentes Warrantizabimus
 “⁊ in ppetuū defendemus In cui⁹ rei testimoniū huic p'senti carte sigillū meū
 “apposui His testibz Witto de Peulesdon Robo de Say Ričo de Sandford
 “Witto Rosamond Hugōe de Hulle ⁊ aliis Dat' apd Tyteleye die Martis px post
 “fest' Sc'ti Lawrencii anno regni Regis Edwardi t'tij post conquestū decimo
 “octavo.”

“Know all men present and to come, That I Isabella de Ferrars,
 “Lady of Stoke upon Tern, have given granted and, by this my present
 “charter, confirmed unto Alexander de Shavington 30 acres of my land
 “& pasture at Moreton Wood & the appurtenances in Stoke,

* Muniments of Shavington, § I, i, 15.

“to have & to hold the said 30 acres of land & pasture & the appurtenances
 “to the said Alexander and the heirs of his body lawfully begotten of
 “me & my heirs freely quietly well & in peace for ever *Yielding* therefor
 “yearly to me and my heirs 2^s & 6^d at the Feasts of the Annunciation of
 “the Blessed Mary and S^t Michael by equal parts And Doing also to
 “the chief lord of the fee all services due & accustomed. *And* if it
 “shall happen that the said Alexander shall die without heir of his body
 “lawfully begotten, then the said land & pasture and the appurtenances
 “shall remain, after the death of the said Alexander, to Petronilla, daughter
 “of Reginald de Shavington, son of the same Alexander, To hold to
 “the same Petronilla and the heirs of her body lawfully begotten, by all the
 “aforesaid for ever. And if it shall happen that the said Petronilla shall
 “die without an heir of her body lawfully begotten, then the said land &
 “pasture & the appurtenances, after the death of the said Petronilla, shall
 “remain to Henry, son of Adam de Shavynton, to be held to the said Henry &
 “the heirs male of his body lawfully begotten, of me and my heirs by all
 “the aforesaid for ever. And if the said Henry shall die without heir
 “male of his body lawfully begotten, then the said land & pasture & the
 “appurtenances shall revert wholly to me and my heirs. And I the said
 “Isabella and my heirs will warrant and defend the said land & pasture
 “& the appurtenances to the said Alexander Petronilla & Henry and
 “their said heirs against all people and for ever. In witness whereof I have
 “set my seal to this present charter before these witnesses, William de
 “Peulesdon, Robert de Say, Richard de Sandford, William Rosamond, & Hugh
 “de Hulle [Hill] and others. Given at Tittenley on Tuesday next after the
 “feast of St. Lawrence in the 18th year of the reign of King Edward the
 “3rd after the Conquest.”

Reginald de Shavington did not long survive these transactions, for, in 1330, we find his widow Margaret granting to William de Shavington all the lands in Shavington held by her for her life.*

In the next generation, the estates left the de Shavington family for good, as in 1361, we find Hugh, son of Reginald, releasing to Sir William de Chetwynd and Petronilla his wife, all claim in the manors of Shaunton, Wylaston, and Eliswode.†

In 1385, Sir William Chetwynd granted his manor of Shavington to his son William,‡ and in 1408, William Chetwynd entered into a marriage contract with Roger Wasteneys for the marriage of his son John to Roger's daughter Rose; and, in the same year, he and his wife Johanna granted the manor of Schavinton and lands to their son John, and Rose his wife.§

And now we come to the only break in the consecutive history of Shavington from the Conquest to the present day. The break, it is true, is for the space

* Muniments of Shavington, § I, i, 7. † Ibid., § I, i, 8. ‡ Ibid., § I, i, 10.
 § Ibid, § II, i, 38.

of but twelve years, which would probably seem insignificant in any history of eight centuries, but it mars the perfect sequence which would otherwise appear in this record. In 1423,* we find John Chetwynd, and Rose his wife, settling their manor of Shavington and their lands in "Hethe† Willaston Howle and Pullesdon."‡ In the year 1435, Hugh Dyke released to John Marston and Rose his wife, all his right in the manors of Shavington and Pyxhale. The Marstons had apparently been tenants of Shavington, and if the result of the search at the Tower printed in Postscript II. to this Chapter is correct, they were at Shavington even prior to the Chetwynds, possibly being old tenants of the place, who gradually progressed in the world until they acquired the ownership of the manor itself.

POSTSCRIPTS TO CHAPTER III.

I.—THE EARLY HISTORY OF THE MANOR OF WHITCHURCH.§

This manor was held by William de Warren of Earl Roger, at the date of Domesday Book. William de Warren was created Earl of Surrey by William Rufus.|| The Warrens held the estate for generations. The last William de Warren, lord de Blancminster, died in 1260, leaving four daughters, of whom Bertha, the eldest, was imbecile, Joan married William de Barentyn, Alienore married, firstly, Robert le Strange, and secondly Bogo de Knovill, and Matilda married Sir Ralph de Brascy. In the Feodaries (1284-5) the manor is said to be held by Bogo de Knovill, in right of his wife Alienore, and Sir Ralph de Brascy, in right of his wife Matilda, of Earl Warren, and he of the King in chief, as a member of his Barony. The tenure was to act as the King's huntsman. Subsequently, the estate descended to Fulk le Strange, son of Eleanor by her first husband, who held on the same tenure of King's huntsman.

II.—THE ANCIENT HOLDERS OF SHAVINGTON.

In later times, when disputes arose as to the tenure of Shavington, it was ordered that a search should be made in the Tower of London, which was at that time (1610) the Public Record Office, for particulars of the tenure of Shavington, and the result is embodied in the document which follows. The original is amongst the Shavington Muniments.¶

"Scrutt infra turr Londin.

"Henr 3 Inquisit.	Will ^e Cundeswell
	"Seynton.
"A ^o 22 E 1 felon 70.	Adam Sheynton.
	"Sheynton Messuag un virg terr.
"A ^o 28 E 1	Phillippus Burnell 24
	"Aterley.
"A ^o 30 E 1	Ricardus Comes Arundell 30
	"Aderley Hamlitt.
"A ^o 31 E 1	Adam de Sheynton felon 43
	"Sheynton Messuag & dd virgat terr.
"A ^o 17 E 3	Will ^e . Roos de Hamelak
	"Adderley.
"A ^o 2 E 3	Barthus de Badelesmere
	"Aderley.
"A ^o 37 E 3	Alicia uxor Edrd Burnell
	"Attirle.

* Muniments of Shavington, § II, 39, 40.

† Millenheath.

‡ Pilsdon.

§ Whitchurch = Whitechurch; Albomonasterium; Blancminster.

|| Eyton, vol. x, pp. 14 and 15.

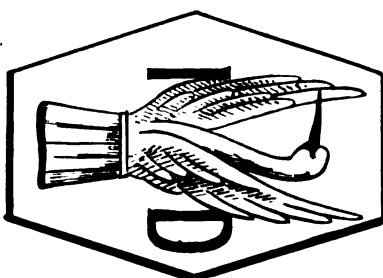
¶ § VIII, ii, 477.

SEAL OF
SIR WILLIAM CHETWYND.
[1369.]



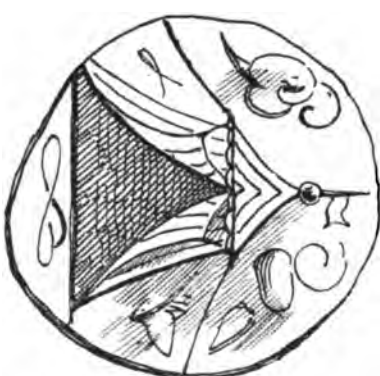
From Deed in Muniments of Shavington.
§ I., i., 9.

SEAL OF
SIR JOHN DELVES.
[1423.]



From Deed in Muniments of Shavington.
§ II., i., 40.

SEAL OF
JOHN, EARL OF WORCESTER,
AND LORD DE TYPTOFT AND POWIS.
[1467.]



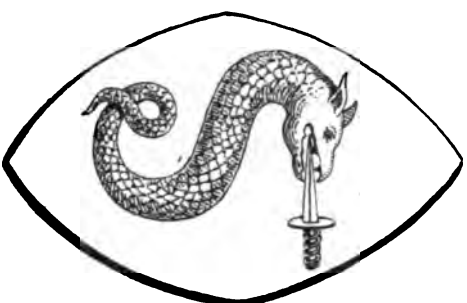
From Deed in Muniments of Shavington.
§ II., v., 426.

SEAL OF
THOMAS, MARQUESS OF DORSET.
[1512.]



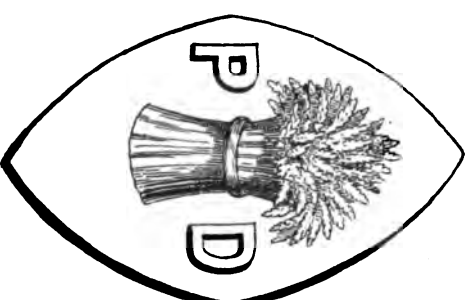
From Deed in Muniments of Shavington.
§ II., ii., 60.

CREST OF
WILLIAM VENABLES.
[1522.]



From Deed in Muniments of Shavington.
§ III., 82.

CREST OF
PIERS DUTTON.
[1522.]



From Deed in Muniments of Shavington.
§ III., 82.

History of Shavington.

17

- "A° 43 E 3 Will° de Sheynton
 "Sheynton fr continet 1 mess 1 gard° 20 acr ter p'ti et pasturi et molend
 "et 40° reddit tent de Rogero de Mortimer com marchie p homag
 "fidelitat et s'vic viii° feod milit.
- "A° 7 R 2 Thomas Roos de Hamlak
 "Adderley.
- "A° 11 R 2 Will° de Wenlock p priori Wenlok.
 "Atterley & Press.
- "A° 15 R 2 Johes Adams and alii pro Abbe de Wigmore
 "Sheynton.
- "A° 16 R 2 Rcus Cratfield et alii p panply de Woodhouse
 "Sheynton.
- "A° 22 R 2 Rogerus de Mortuo Mari
 "Comes Franchie feod.
 "Sheynton p Wm. Sheynton
 "Edwardus 2 cartæ Salop.
- "A° 9 Bathus de Badelesmere.
 "Aderley }
 "Shavington } libā Warreñ.
 "Idsshehall }
 "Sponeley }
 "Calivhall }
- "A° 9° Henr. 6. Thomas de Roos
 "Adderley } tent in capite.
 "Spoonley }
- "A° 4 Ed. 4 Thomas dns Roos attintus
 "Adderley
 "Sponley
- "A° 5. Chetwynde Rics. "Henricus 5.
- "A° 5. Chetwynde Johanna. "Henricus 6.
 "A° 16. Chetwynde Johanna.
 "A° 19. Chetwynde Elena.
 "A° 22. Chetwynde Thomas.
 "A° 24. Chetwynd Phūs.
 "A° 27. Chetwynd Johanna.
- "A° 4. Marston R'b'tus. "Edwardus 3.
 "A° 18. Marshton Wills.
 "A° 28. Marshton John.
 "A° 34. Marshton John.
 "A° 41. Marshton Emma.
- "A° 3. Marshton Johes. "Henricus 4.
 "A° 16. Marshton Wills.

"IN ROTLIS.

"Henricus 8.

"Sr Robt. Nedham mil tenet Shavington de Maner de Adderley sed p qū servit ignor."

"IN THE ROLES.

"Sheynton and Adderley held of Sir Rowland Hill of his manor of Adderley but by what service ignorant.
 "22 Sept. 3 & 4 Phill and Marie post mortem Robt. Nedham milt."

CHAPTER IV.

THE NEEDHAMS AT SHAVINGTON.

[1430—1556.]

THE Needhams, who now for the first time appear in connection with the history of Shavington, belonged to a good old Derbyshire family, of Needham Grange in that county. Their connection with Cheshire is older even than their connection with Shropshire. In the year 1375, William Nedham,* the younger son of Thomas Nedeham, of Nedeham Grange, married Alice, daughter and co-heiress of William de Cranage. As will be seen in these pages, much of the prosperity of the family was due to prudent marriages, and this, the first of which we know, settled the family in a property which they held for over three centuries. Alice brought to her husband a moiety of the manor of Cranage, about seven miles from Knutsford, in the county of Cheshire. This remained the principal seat of the Needhams for several generations.

William Needham was succeeded at Cranage by his son Robert, who married Dorothy, daughter of Sir John Savage, and by her had three sons, Thomas, John, and Robert. Thomas, the eldest, married Maud, daughter of Sir William Brereton of Brereton, and on the death of his father in 1448, succeeded to the moiety of the manor of Cranage. Robert, the youngest, predeceased his father in 1431, and John it was who settled at Shavington.† In the year 1438, he took a lease from John Marston, and Rose, his wife, of "the manor of Shavington and lands in Shavington, Pylesdon, "Hole, Wylaston, Mylneheth, Twemlowe, Aderley, and Boterton," for twenty-one years at a rent of £12 13s. 4d.‡

John Needham subsequently distinguished himself as a lawyer. In 1449, he became Common Sergeant of the City of London, and was, in 1450,

* The name is variously spelt. Nedeham is the oldest form, Nedham the most frequent for the first three centuries of their settlement at Shavington, and Needham a comparatively recent version.

† See Postscript I at end of Chapter.

‡ See Muniments of Shavington, § II, 45.

elected to represent that city in Parliament. He was subsequently Chief Justice of the County Palatine of Lancaster, Chief Justice of the County Palatine of Chester, and Judge of Assizes.

Curiously enough, he had, afterwards, to protest against one of the Acts of the Parliament of which he was a member. The county of Chester was a County Palatine, and claimed to be exempt from the subsidies levied by the Parliament of England. The Parliament which assembled at Leicester in 1450 granted a subsidy to be levied throughout the kingdom, and, against this, the inhabitants of the county of Chester, headed by the Abbots of Chester and Vale Royal, the Prior of Birkenhead, Lords Grey and Dudley, Thomas Stanley, and many others, protested, on the ground that, as a County Palatine, they were liable only to subsidies voted by themselves. The protestors appointed "Sir John Mainwaring, Ranlyn of Eggerton, Robert Legh "of Adlyngton, John Davenport of Davenport, and John Nedeham," to sue out a petition to the King to the effect of their protest.

The petition was duly presented, and on the 8th of March of the same year,* the King addressed a reply to the Abbot of Chester, Sir Thomas Stanley, the Justices of Chester [Sir Thomas Stanley and John Needham] and Sir John Mainwaring, granting the prayer of the petition.†

Another matter of public interest occupied the attention of the inhabitants of this part of the country a few years later. Sir John Needham would naturally take no part in it, being a man of law and not of the sword. But most of his leading neighbours were concerned in the Battle of Blore-heath, which was fought in September, 1459. Blore-heath is a large open space a short distance from Market Drayton on the side further from Shavington. Richard Nevill, Earl of Salisbury, had been raising troops in Wales and the West for the support of the Yorkist cause, and he proposed to make a march on London from Ludlow. James Touchet, Lord Audley, had collected a body of ten thousand Lancastrians, who encamped on the high ground at Blore with a view to intercepting Lord Salisbury.

Here Lord Salisbury overcame his opponents, who were confident of victory, by a stratagem. He made a feint of retreating, thus drawing his enemy in pursuit from their high position into a glen, where he attacked them, hemmed them in, and defeated them with immense slaughter. Queen Margaret is said to have been at Eccleshall, awaiting the event of the battle. It was notorious for the manner in which the flower of the West were ranged on opposite sides, members of the same family one against the other. Drayton commemorates this view of the affair:—

"There Dutton kills a Dutton, there Done doth kill a Done,
"A Venables against a Venables doth stand,
"And Troutbeck fighteth Troutbeck hand to hand,
"There Molineux doth make a Molineux to die,
"And Egerton the strength of Egerton doth try."†

In these events Sir John had no part. He was, meanwhile, making a position for himself of considerable importance, as we have seen. He apparently liked

* 1450-1. † This petition is printed in Appendix II. ‡ Most of these names occur in the Chester petition of 1450.

his home at Shavington so well that, when his lease expired, he, in 1461, purchased the estate.*

He also purchased the remaining moiety of the manor of Cranage, his elder brother being at that time the owner of one moiety.

A little later, in 1467, he took a lease of the manor of Adderley. This manor† had for some generations been in the possession of the lords de Ros. Thomas, lord de Ros, was one of the numerous Lancastrians attainted on the accession of Edward IV. in 1461, and his estates were forfeited to the Crown. His widow, Philippa, Lady de Ros, however, appears to have been allowed to enjoy the estates for her life, and we find that the grantors of the lease to John Needham are "John, Earl of Worcester, and Lord "de Typtoft and Powys and his sister Philippa, lady de Roos, late wife of "Sir Thomas de Roos, lord de Roos and Hamlak." The next lease of the estates, however, in 1503, was made by Sir Thomas Lovell, Treasurer of the household of the King.

Sir John Needham was apparently never married; at all events, he left no children, and he accordingly had to guard against the danger to which allusion has before been made, of the escheat of his estates‡ in default of direct heirs. In order to avoid this, he, in 1479, granted his estates to Thomas Croxton, Ralph Coton, Richard Twemlowe, and Henry Croxton.§ These gentlemen were of course trustees, and were verbally instructed as to the disposition of the estates after the death of Sir John Needham. Sir John died in the ensuing year, 1480, and was buried in the chapel at Church Hulme, near Cranage, where his father and brothers lay. On a slab a recumbent figure in gown was laid in brass, and, round the edge, an inscription setting forth the various judgements which he had held.||

Sir John's elder brother, Thomas, had, as we have seen, predeceased him in 1463. He left one son, William, who married Isabel, daughter and co-heiress of Sir John Bromley. In her right he acquired the Badington property in Cheshire, which lies between Audlem and Nantwich, only a few miles distant from Shavington, and a part of which still belongs to the Earls of Kilmorey. William Needham had two sons, William and Robert, and must have either predeceased his uncle John, or died shortly after, as he did not inherit his uncle's estates. On the 20th February, 1483-4,¶ the trustees to whom Sir John had granted his estates granted them to William Needham the son.** From his father he inherited a moiety of the manor of Cranage and the Badington estates, so that he eventually succeeded to the two moieties of Cranage, and to the Shavington and Badington estates. He married, but

* See Muniments of Shavington, § II, 47.

† See Postscript I to Chapter II, p. 9.

‡ See Note, p. 6.

§ See Muniments of Shavington, § II, 48.

|| See Postscript I at end of Chapter.

¶ Muniments of Shavington, § II, 50.

** See Postscript II at end of Chapter.

left no issue, and dying about the end of the fifteenth century, was succeeded by his brother Robert.

Sir Robert Needham made Shavington his principal seat, considerably extended his domains, and erected a substantial house occupying the same site as the present hall, with a private chapel adjoining.*

The purchases made by Sir Robert Needham included the copyholds held of the Manor of Stoke upon Tern, to which allusion was made in a previous chapter.† The representative of the de Ferrars family (which had now for a long time been lords of Stoke upon Tern) who made the grant to Sir Robert was Thomas, Marquess of Dorsett, Lord de Ferrars of Groby, Herrington, Bonvile and Asteley. The locality of the lands granted has already been accurately described, but the terms of the grant are interesting, as they affect the serious question of the tenure of Shavington, which, as we shall see, gave rise to great discussion subsequently. The three pastures in Elyswode, of which two were called "le leys" and the other "Crobesmerhill," "were granted to Sir Robert to have and to hold to the aforesaid Robert, and the "heirs of his body lawfully begotten, of the aforesaid Marquess and his heirs for ever, by homage and fealty and suite to his court of Stoke upon Tern, and at "the rent of 26 shillings and eightpence per annum to be paid to him & his "heirs at the feasts of the Annunciation of the Blessed Virgin Mary and of "S^t Michael the Archangel in equal parts."‡

The terms of the other grant, which comprised "le haunch," "the running stream," "Clowley dole," and the "Comynæ" were as follows: as to "le haunch," it was held "by homage and fealty and suit of court, and rent of 6d. per annum"; and "for the running stream he renders to the aforesaid marquess at the feast of "S^t Michael the Archangel, an arrow barbed with feathers of a peacock," and the remainder was held "by homage and fealty and suit of court, and rent six shillings "and ninepence, and a heriot on death."§

The date of these grants was the 20th of April, 1512.

Sir Robert had married Agnes, daughter of John Mainwaring, of Peevor, and by her had seven sons and two daughters. In the year 1523, Sir Robert settled all his estates. The trustees of the settlement, which was made on the 14th October, in that year, were Sir William Brereton, of Brereton; Sir Ranulph Maynwaring, of Pevir; Sir William Venables, of Kynderton; Sir John Done, of Utteynton; Robert Nedeham, John Nedeham, and Thomas Ingushall, clerk. After reserving to himself a life estate, and giving a jointure to his wife, he settled the estates on his son Thomas in tail male.

In 1525, Thomas Needham, Sir Robert's son and heir, married Anne Talbot, daughter of Sir John Talbot, of Albrighton, and in the marriage articles, which were dated the 1st of February, 1525-6, Sir Robert covenanted to assure to "George,

* A portion of the very solid foundations of the old house were recently unearthed under the floor of the kitchen, during the restorations effected by Mr. Heywood-Lonsdale.

† See pp. 2 and 3.

‡ Muniments of Shavington, § II, ii., 60.

§ Ibid., § II, ii, 61.

"Earl of Shrewsbury, Francis Lord Talbott, Sir Gilbert Talbott, Thomas Skrymshyre, "and Richard Troutebeck, estates in Cheshire of 40 marks annual value, for "the use of Anne Talbot."

Sir Robert, about this time, contracted to purchase the manor of Tittenley, which lay on the East side of Shavington Park, and which was the one and only extension of the property in this direction.

This manor, as we have seen, comprised all that portion of the estate on the eastern side of the river Duckow, which runs through the park in front of the Hall.* It was, at the end of the 13th century, in the possession of William, lord of Tittleye. He seems to have purchased the estate from various owners; thus we find, about 1275, grants to him from Robert de Titneleg, of the Humedew,† from Richard, son of Robert de Titneleg, of a messuage in Titneleg,‡ from Andrew de Witileya, of the township of Titneleya, and all that William Wachet, lord of Walreton, sold him,§ and from Henry Wachet, lord of Walreton, of all claims on Titneleg. ||

Thenceforward, the estate remained in the Tittenley family until, in 1514, Humfrey de Tittleye leased the manor to Sir Robert Needham.¶ In 1525, Sir Robert contracted to purchase the estate,** and in 1527, the purchase was completed.†† In the next year, Sir Robert was sheriff of the county, an office which he held twice subsequently, in 1535-6 and 1540-1.

In 1540 he made a small purchase of land in the manor of Stoke upon Tern, from Sir Rowland Hill, who was now lord of that manor;‡‡ and in 1548, he purchased from Sir Richard Mainwaring 24 acres of land in Elliswood.§§

Sir Robert Needham found himself, by these various purchases, in the possession of a compact property at Shavington, which included the manors of Shavington and Tittenley, and the lands on the western side of Shavington, known as Elliswood, Conygree, "le leys," Grobesmerhill, "le haunch," and Clowley Dole. He owned also the Millenheath estate in Shropshire, and the Cranage and Badington estates in Cheshire. He had at Shavington a fine house and private chapel, where mass was said. All these estates descended, on his death in 1556, to his son Thomas.

POSTSCRIPTS TO CHAPTER IV.

I.—MONUMENTS TO THE NEEDHAMS OF CRANAGE.

Leicester (iii, 73), quotes the Harleian MSS [2151, 95], to the effect that in Holmes-Chapel or Church-Hulme there are many monuments to the Needham family.

In the windows are the arms of Needham, impaling those of Bromley, Somerford, and Mainwaring.

There is an altar tomb to Robert Needham, with the inscription "Robertus de Nedham armiger obiit "MCCCCXXXVIII."

* See Chapter I, p. 1. † Muniments of Shavington, § III, 63. ‡ Ibid., 64. § Ibid., 65.
 Ibid., 66, 67. ¶ Ibid., 74. ** Ibid., 89. †† Ibid., 95-101. ‡‡ Ibid, § IV, i, 103. §§ Ibid., ii, 106.

MANOR OF TITTENLEY.



There is also a slab with two figures, inlaid in brass, and an inscription at their feet :—

“Hic jacent corpora Roberti de Nedham qui obiit die Sabbati in festo Scti Edwardi MCCCCXXXI et Thomæ de Nedham quondam fratris prædicti Roberti qui obiit die Dominica MCCCCLXIII.”

On a slab is a recumbent figure laid in brass, with the following inscription round the edge :—

“Hic jacet corpus Joh'is Nedeham miles [sic] quondam secundus justiciarius dñi Regis ac nup' capitalis justiciarius com' palatini dicti dñi Regis Lancastri ac olim capitalis justitiarius com' palatini ejusdem dñi “R. Cestriæ, et nuper unus justitiarius dicti dñi ad assisas capiendas qui obiit 25^o mensis Aprilis a^o dni “MCCCCLXXX.”

In a window is the inscription :—

“Orate pro bono statu Rbti Nedham militis et Agnetis ux'is ejus et p' a'i'abus Thomæ Joh'is et Roberti filior' et pro bono statu Mitilde et Johane filiarum ejusdem Roberti a'no MCCCCCXXXIII.”

II.—THE PEDIGREE OF THE NEEDHAMS OF CRANAGE.

“Burke's Peerage” is somewhat misleading as to the early history of the Needhams, for in half a dozen lines there are as many mistakes.

- i. William de Cranage is described as “Cravach of Cravach.”
- ii. Shenton and Shavington are distinguished as separate places, being in reality one and the same.
- iii. Sir Robert Needham is said to have purchased Shavington in 1505, whereas Sir John purchased it in 1461.
- iv. Although Sir Robert is said to have purchased Shenton, his father William is described as of Shavington.

William, the father, as we have seen, never, in fact, owned Shavington.

- v. William Needham, the son, who succeeded his great-uncle at Shavington, is omitted altogether.

Leicester, again, who ought to have known the Needham family history, falls into the error of saying that Sir John settled Shavington on his nephew Robert, whereas he settled it on his great-nephew William.

CHAPTER V.

THE SUIT ABOUT THE TENURE OF SHAVINGTON.

[1556—1610.]

THOMAS NEEDHAM, who succeeded his father Sir Robert, had married Anne, daughter of Sir John Talbot. He cannot have survived his father many years, and was succeeded by his son Robert. Sir Robert Needham, the second knight of the name at Shavington, was, like his grandfather, three times High Sheriff of the county of Salop, in 1563-4, 1585-6, and 1594-5. He also had important commands in the war in Ireland and was Vice-President of the Council in the Marches of Wales. He married Frances, daughter of Sir Edward Aston. In the year 1596, his eldest son, Robert, married Joane, daughter of John Lacy, when a settlement of the property was made by deed, dated 10 August 1596,* the trustees of which were Sir Walter Aston, Sir Rowland Hayward, John Talbot, Richard Corbett, Thomas Venables, Henry Townsend, John Needham, and George Sothern. In 1601, Sir Robert granted to his son Thomas, on his marriage with Dame Elianor Salisbury, widow of Sir Robert Salisbury, an annuity of £30 charged on Shavington.† In or about the year 1606 Sir Robert died, and was succeeded by his elder son, Sir Robert, third knight of the same name.‡ Sir Robert, the father, had, as appears from the documents, during his lifetime made over his estates to his son, in consideration of £2000 paid by the latter for his father's debts and portions to his younger children.

It was at this time that the great dispute arose about the tenure of Shavington.

It has been seen that Henry de Shavington acquired the manor of Shavington from the Dunstanvills, Lords of Adderley, and that the tenure of Shavington depends upon the terms of this feoffment, which was made at some time before 1219. What the terms were it is now impossible to say. Later on, when Reginald de Shavington

* See Muniments of Shavington, § IV, 149.

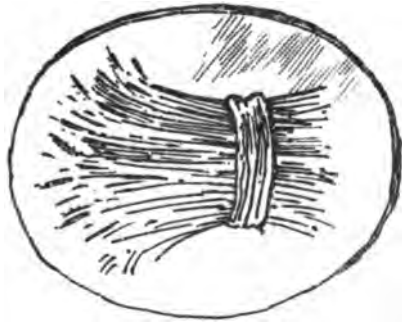
† Ibid., 156.

‡ This we gather from a deed of 4 June, 1607, in the Muniments of Shavington, § V, i. 157, and from the fact that in 1609, 2 years' rent of Shavington was claimed by Richard Corbet.

SEAL OF

SIR ROBERT NEEDHAM.

[1523.]

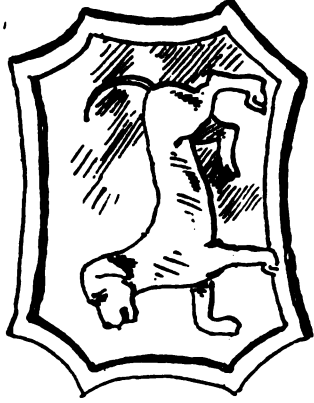


From Deed in Muniments of Shavington.
§ II., i., 53.

SEAL OF

SIR JOHN TALBOT.

[1525.]

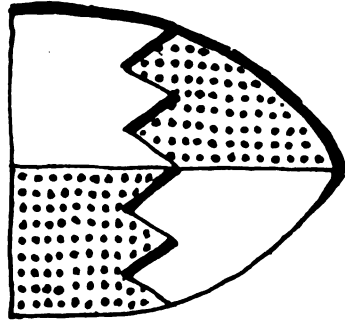


From Deed in Muniments of Shavington.
§ II., i., 58.

ARMS OF

SIR JOHN BROMLEY.

[CIRC. 1450.]

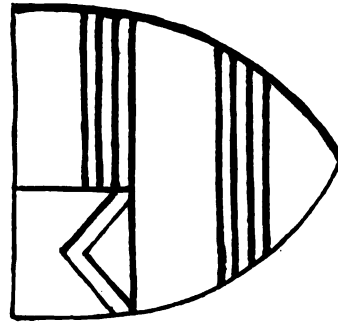


See History of Shavington, Chapter IV., page 20.

ARMS OF

SIR ROWLAND HILL.

[1540.]



From Deed in Muniments of Shavington.
§ IV., i., 103.

SEAL OF

SIR RICHARD MAINWARING.

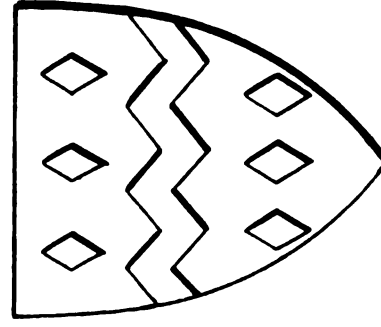
[1548.]



From Deed in Muniments of Shavington.
§ IV., ii., 106.

ARMS OF FOCHE.

[1689.]



From Deed in Muniments of Shavington.
§ VI., ii., 286.

enfeoffed his brother Alexander in 1320, he granted the manor to Alexander, "To hold "the same at the yearly services therefrom due to the Lord of Adderley." So far as we now know, there was, after that time, no question about the tenure, until the Needhams came into possession of the manor.

The Adderley estate, which had for centuries been the property of the de Ros family, was, as we have seen, forfeited by Thomas, Lord de Ros, and, in the middle of the 16th century, it was granted to the celebrated Sir Rowland Hill. Sir Robert Needham the second, the father of the present Sir Robert, had, on coming into his property, compounded with Sir Rowland Hill for his heriot, and had also agreed to hold Shavington of the manor of Adderley by the eighth part of a knight's service and 12 shillings and sixpence rent. This temporarily settled the difficulty. On the death of Sir Rowland Hill, Adderley passed to his sister, who married John Gratewood. From John Gratewood the estates passed first to his son William, and, on the latter's death, without issue, to John's daughter Alicia. She married Reginald Corbet, and thus took Adderley to the Corbet family, who have held it ever since.

On the accession of Sir Robert Needham the third, Adderley belonged to Richard Corbet, a minor. Sir Robert faced the difficulty about the tenure of Shavington by simply declining to pay rent, or to acknowledge that he in any way held of Richard Corbet. Richard Corbet holding Adderley in chief,* was a ward of the King's, and consequently, proceedings were taken in 1609 in the Court of Wards and Liveries† for the recovery of twenty-five shillings for two years' rent, and for an acknowledgement that the manor of Shavington was held of the manor of Adderley by the eighth part of a knight's service.

Previously to the case coming to a hearing, a settlement was attempted by Sir Thomas Crew, acting for Sir Robert Needham, and Mr. Bromley, acting for Richard Corbet. The terms come to between them were, that Shavington should be held by the eighth part of a knight's service and 12 shillings and sixpence rent, that the other lands in Adderley should be held at 10 pence rent, and that the remaining lands should be held at fifty-five shillings and elevenpence rent and £6 for a heriot.‡ These terms were subject to the approval of Sir Robert Needham. They were settled on the 29th October, 1609; and were almost precisely similar to the Decree eventually made by the Court. They were, however, declined, and the case proceeded to a hearing. On the 24th November, 1609, the case came into Court, when the matter was argued at great length. It was, on Sir Robert Needham's behalf, argued that Shavington was not held of the manor of Adderley at all, and, in support of this contention, an extract was read from an *inquisitio post mortem* of 43 Edward III, shewing that Shavington was held of the heirs of Mortimer, Earl of March. This was

* i.e. from the King direct, see p. 6.

† The Court of Wards and Liveries, which was of considerable importance in feudal times, dealt with cases arising with regard to wardships and other incidents of feudal tenure. When the owner of an estate was a minor, the superior lord of whom he held had the privilege of guardianship, with various *perquisites*, and in the case of tenants "in capite," or in chief, the King had the privilege of guardianship.

‡ See Muniments of Shavington, § VIII, ii., 449.

so contrary to the facts disclosed in Richard Corbet's behalf, and indeed to the general history of the matter, that the Court ordered an adjournment, during which the tenure books of the Court should be searched, and a more perfect statement of the tenure, if possible, arrived at.*

It is quite obvious that Sir Robert's counsel was incorrectly instructed on this point, and, indeed, it is difficult to understand how the assertion could have been made after what had passed between Sir Thomas Crew and Mr. Bromley. The authority adduced for the statement was an *inquisitio post mortem*† of the time of Edward III. This will be found quoted in the interesting document printed in Postscript III. to Chapter III., which embodies the result of a search of the *inquisitiones post mortem*, made for the purposes of this case. The particular entry is as follows:

"A^o43 E3 Will^e de Sheynton. Sheynton fr continet 1 mess 1 gard^a 20 acr.
"ter. p'ti et pasturi et molend et 40^o reddit tent de Rogero de Mortimer com
"marche p homag fidelit et s'vic viii^o feod milit."

which, being interpreted, means that at the inquisition on the death of William de Shavington in 1369, his estate at Shavington contained "1 house, 1 garden, 20 acres
"of meadow and pasture land and a mill, and paid 40 shillings rent. Held of Roger
"de Mortimer, Earl of the Marches, by homage, fealty, and service of the eighth
"part of a knight's fee."

A reference to the early history of Shavington‡ will, to a certain extent, elucidate the mystery. At the date of the *inquisition* (1369), we know that Sir William de Chetwynd was lord of the manor of Shavington, having been enfeoffed by Hugh, son of Reginald de Shavington, in 1361. There was, however, another property at Shavington which Margaret de Shavington, widow of Reginald de Shavington, had for her life, and which she released to William de Shavington in 1330. This was, no doubt, the property which, on the death of William, was found, by the *inquisition* above quoted, to belong to him; and was very likely the property, which, in 1267, the Hodnet jury found that Henry de Shavington, Reginald's father, had obtained under precept from Edward, son of Henry III, when Earl of the Marches.

There remains, however, the curious coincidence that William de Shavington is described in the *inquisition* as holding by the eighth part of a knight's fee, the same service as was demanded for the manor. It seems clear that the *inquisition* does not refer to the manor, and that the two properties at Shavington should be held by this same service to two different lords seems almost incredible. Probably the *inquisition* is wrong, but not by any means certainly so.

When the case came on again, in the next term, on the 31st January, 1609-10, the records had not been fully searched, and an affidavit of William Bowles was

* Muniments of Shavington, 450.

† *Inquisitio post mortem* was an inquiry held after a man's death to ascertain the extent of his property. As title deeds, in the strict sense, did not exist in those times, it was necessary to have verbal evidence of this, and the evidence was embodied in reports, which form an important record of the ownership of various estates.

‡ Chapter II, p 5.

read, stating that he had received a bundle of books from Mr. Corbet, which he had not had time to peruse. The case accordingly was again adjourned until the ensuing term. Then, on the 2nd of May, 1610, when the case again came on, Sir Robert Needham pleaded his privilege as a Member of Parliament, and the court ordered a day to be fixed for the trial after the dissolution of Parliament.*

The case did not therefore have a final hearing until the Michaelmas term of 1610. In the meantime, a considerable amount of evidence had no doubt been collected. The Records of the Tower had been effectually searched,† and the rolls of the manors had been examined.‡ The result of these searches had been to put the parties and the Court in possession of the true facts of the case.

It was shewn that Richard Corbet's claim was twofold—(1), in respect of the manor of Adderley, and (2), in respect of the manor of Stoke upon Tern. With regard to the manor of Shavington, the tenure was fixed in accordance with the terms already twice agreed upon, firstly between Sir Robert Needham the elder and Sir Rowland Hill, and again, conditionally, between Sir Thomas Crew and Mr. Bromley.

There is no doubt but that from time immemorial Shavington was held of Adderley. Probably, it was shewn that Shavington was held of the manor of Adderley in the time of Reginald de Shavington, as evidenced by his grant, and if the tenure rolls, &c., were properly searched, the convincing evidence given in Chapter II. would have been adduced, pointing to a grant from the Dunstanvills to Henry de Shavington. The extract from the Inquisition 43 Edward III, was either deemed of insufficient weight against the mass of evidence to the contrary, or else it was shown to have referred, not to the manor of Shavington, but to the grant from Edward, Lord of the Marches. As to the precise terms of the tenure of Shavington, however, it is not so clear upon what grounds the decision of the Court was based. There is not now, and there would not appear to have been then, (otherwise it would have been quoted in the voluminous documents in the case), any record of the services and rent by which Shavington was granted by the Dunstanvills to the de Shavingtons. It is just conceivable that the Court was misled by the extract from the Inquisitions which had been produced on a previous occasion on Sir Robert Needham's behalf, and which undoubtedly did not refer to the manor of Shavington at all. The only entry in the Court Rolls of Adderley was made in Sir Rowland Hill's time, admittedly by way of compromise and without authority as a precedent.

At all events, the Court came to a decision on the point. With regard to Stoke upon Tern, various extracts from the Court Rolls of the manor§ were produced which are similar to the terms of the grants of Thomas, Marquess of Dorset. These grants, which were in the possession of Sir Robert Needham, if produced, settled the question of Stoke. Before the case came on, the parties signed

* Muniments of Shavington, § VIII, ii. 453. † See Chapter III, Postscript III, p. 16.

‡ See Postscript to this Chapter. § Ibid

an agreement to abide by the decision of the judge, Sir James Lea.* This was delivered to the following effect:—

“Decreed that the s^d man^r of Shavington & the lands thereunto belong^e
 “shall from henceforth be held by the s^d Rbt Nedham & his heires of the s^d
 “Richard Corbett his Mjisties late ward & his heires as of his & their man^r of
 “Adderley by the 8th pt of a knights fee & by suite to the leet & the Court
 “Baron of the man^r of Adderley twice in the year & 12^s 6^d rent payable yearly
 “at the feast of St Michaeli th Archangel & to be yssuing out of the s^d
 “man^r of Shaventon & lande thereto belong^e & that also the s^d cottages & land
 “in Adderley shall be likewise from henceforth for ever holden by the s^d Rob^{ts}
 “Nedham & his heires in socage tenure of the s^d ward & his heirs as of the
 “s^d man^r of Adderley by 10^d yearly at the feast afs^d to be yssuing out of the s^d
 “2 cottages with th’ appurtenances in Adderley & that also the s^d pcells of land
 “called the haunche & the s^d running streame & the Conygree & Cloudley dole
 “mençoned in the s^d deede of the s^d Marquess Dorsett shall be holden by the s^d
 “Sir Rbte Nedham & his heirs of the s^d ward & his heires as of his manor of
 “Stoke by homage fealty suite of Courte twice in the yeare to the leet & Court
 “Baron of the s^d man^r of Stoke & for & under the yearly rent of 17^s 3^d & a
 “barbed arrow featherd with the feathers of a peacocke that is to say 6^d for the
 “s^d pcell of land called the haunch & 16^s 9^d for the s^d Conygree & Cloudly
 “Dole & a red rose & a heriott that is to say the best beast and the s^d barbed
 “arrow for the s^d running streame & also that the s^d Sir Rbte Nedham & his
 “heires for ever shall holde of the s^d ward & his heires as of the s^d manor of
 “Stoke the s^d 8 acres of land in Elliswood & for the yearly rent of 8^s p ann
 “to be issueing out of the same & by suite of Court twice in the yeare to the
 “leet & Courte Baron of the s^d manor of Stoke & 50^s for & in lieue of a
 “heriott and that the s^d Sir Rbte Nedham & his heirs shall likewise hold the
 “s^d 4 acres in Elliswood of the s^d ward & his heires for ever as of the s^d
 “manor of Stoke by fealty & the yearly rent of 4^s suite of Court twice in the
 “yeare to the leete & the Courte baron of the s^d man^r of Stoke & 30^s for
 “& in lieue of a herriott.

“Decreed that the said leys & Crobesmarche shall be holden by the
 “defendant & his heirs of the said ward & his heirs for ever as of the said manor
 “of Stoke by homage fealty suite of Court twice in the year and the yearly rent
 “of 26^s 8^d to be issuing out of the same.”

The evidence on which this decree was based, so far as concerned the lands held of Stoke, was so conclusive that Sir Robert Needham saw that there was no alternative but to submit. He had, however, his doubts about the tenure of Shavington. He was very loath to admit his defeat, or to allow that he held his

* This, I believe to be the case, as an agreement, undated, signed by Richard Corbet, exists amongst the .Muniments (§ VIII, ii. 536) to abide by the decision of Sir James Lea on the 30th October next, which, I take it, can only have reference to this case.

manor as a fief of the Lord of Adderley. There was, moreover, a reasonable doubt, supposing no further evidence than that which we have, was produced upon the point, whether the finding that Shavington was held by the eighth part of a knight's service was correct. Against this part of the decree, therefore, he would seem to have been inclined to appeal, notwithstanding the agreement to the contrary. He does not appear, however, to have taken any active steps in this direction. We find him, in 1625, consulting Sir Humphrey Davenport on the subject, and from him he obtained a very strong opinion, reviewing the evidence and advising the payment of the rents and not to proceed (as I presume he thought of doing) at common law. This seems to have satisfied him that nothing further could be done, and this matter of dispute was dropped, therefore, until after his death.

He had, however, other troubles in hand with the Corbets which kept him pretty actively engaged until his death.

POSTSCRIPT TO CHAPTER V.

EXTRACTS FROM THE ROLLS AND RECORDS OF THE MANOR OF STOKE UPON TERN.

The following extracts, which were no doubt used at the trial, are preserved amongst the Shavington Muniments. The date of the 1st and 2nd must have been about 1470, as Sir John Needham held these lands from 1461—1480.

I.*

[Circ. 1470.]

"Visio of Lands in Woodlands within the Manor of Stoke upon Tern."

"Johes Nedham miles un' parcell' ter ibm cum stagnis juxta tenur dci Hugonis Dodde voc clowley dole a r xi'.

"Idem Johes t ib'm pcell' ter xxx acres in Eylyswod & xii acr ter voc le hanche in eod bosc.

"qū' ignorat'."

"John Needham knight holds one parcel of land in the same place with pools next the holding of the said Hugh Dod called Cloverley dole and pays eleven shillings rent.

"The same John holds in the same place a parcel of 30 acres of land in Eylyswood & 12 acres of land called "le haunch" in the same wood

"The tenure is not known."

II.†

"Rent de Eylyswor"

"It q^d Johes Nedham miles tenet in Eylyswod xii acr ter a xii^e et idem tenet in dict Eylyswode †xxx acr bosc et dat fuer eid in allacoie.

"It idm t xii acr a xii^e nup in tenur Wilm Cloverley."

"Item that John Needham knight holds in Eylyswood 12 acres of land at 12 shillings rent and the same holds in the said Eylyswode 30 acres of wood and they were given to the same for his allotment.

"Item the same holds 12 acres at 12 shillings late in the tenure of William Cloverley."

* Muniments of Shavington, § VIII, ii. 444.

† Ibid., 445.

‡ Note in margin in a later hand: "This noe chief rent."

III.*

[Circ. 1515.]

"Wodelande.

"Rbts Nedehm tenet p homagm et fidelitatē ūm asst ^m in bosco de Morton p carta et reddet "ad Fes Annuacionis et Sci Michis equalit.	}	vi ^d
"Idem Robts ūm umarium p carta et r p eod ad f ^m Sci Michis unā sagittā barbatā pennis "pavonis plumatā.	}	i sagitta barbata.
"et p cola henda in Morton Wode termino purificationis Be Marie.		xv ^d
"p quo redditu het in allocacione p dca coia xxx acr ter vasti i eod bosco t r		una rosa
"et p cola porcor ad f ^m Sci Martini t unum porc ^m si porcos huit t non		xii ^d
"Idem Robts t octo acr tere Regales in Ayleswode in feodo tall et nūc vocat ^m Cloveley "Dole t r herryett t		viii ^a
"Idem Robts tenet in eod loco 4 acr tre in feodo talliato et herriett ^m c ^m obierit t r		iii ^j
"Idem Robts t triginta acr tre in moreton wode in feodo talliato t r		ii ^a vi ^d
"p me Johem ffitzherbert de Northbury supmre dni Thome M'cho'is Dorsett ut patet "p recorda dni et evidencias p'dict Robti que vidi et approbavi		
"M ^a Ayleswode Aldeley Wode Morton Wode Northwode t le Forrest snt una t idem.		
"Robert Needham holds by homage and fealty one assart of land in the wood of Morton "by grant and pays at the Feast of the Annunciation and S ^t Michael in equal parts	}	6 ^d
"The same Robert one pool by grant and pays for the same at the feast of S ^t Michael "one arrow barbed with feathers of a peacock	}	i barbed arrow
"and for commons had in Morton wood in the term [†] of the purification of the Blessed "Mary	}	15 ^d
"For which rent he has in allowance for the said commons 30 acres of waste land in "the same wood and pays	}	one rose
"and for commons of pigs at the feast of S ^t Martin either one pig if he has pigs or "if not	}	12 ^d
"The same Robert holds 8 acres of Royal land in Ayleswode in fee tail & now called "Cloveley Dole & pays a heriot and	}	8 ^a
"The same Robert holds in the same place 4 acres of land in fee tail & a heriot when he "dies and pays	}	4 ^a
"The same Robert holds 30 acres of land in Morton Wood in fee tail and pays		2 ^a 6 ^d
"By me John Fitzherbert of Northbury steward of Lord Thomas Marquess of Dorset "as appears by the records of the lord or evidences of the said Robert which I have "seen and approved.		

"Memorandum that Ayleswode Aldeley Wode Moreton Wode Northwode and the
"Forest are one & the same." ~

IV.†

(1548).

"An Abstract out of a Booke made in y^e 2nd yere of Edward y^e Sixth: 1548 for maner of Stocke.

"Sir Robert Needham knight holdeth one assert called the Haunch in Morton Wood by "homage fealty & suit of Co ^r & paies	}	vi ^d
---	---	-----------------

* Muniments of Shavington, § VIII, ii. 446.

† i.e., Hilary Term.

‡ Ibid., vii, 632.

"The same Sir Robert holdeth one Runninge Streame of water which streame lyeth
"in the park of y^e said Sir Robert Needham

"Rent

a broad arrow
feathered
with
a peacocke
feather

"The same Sir Robert for 2 pastures more the one called Elliswood now called Commins
"the other called Claverley Dole by homage fealty and suit of Co^{ts}

"Rent

xvi^s ix^d
a redd rose
& heriott

"The same S^r Robert holdeth in fee Tay^{rs} 3 pastures called the Sterk leyes under the
"Rent of

xxvj^s viij^d

"This is besides ye liveing in Mortonwood (y^e Mr. Thomson now hath) which was a
"gift by Elizabeth y^e daughter of my lord Ferrers to the Needhams she being heires of y^e
"manner of Stocke (chiefe rent)

xij^s

"Within this said Booke there is a Boundary of the north west side of the said manor which parts Shaventon
"& Morton surveyed by me Hugh Chester aged 80 years as followeth.

"ffrom Peacock Pool to y west end of Newstead Lane & so following a pearle Brooke to know ground
"& so following the said Pearle to Grobsmeer and from Grobsmeer following the said Pearle to Shaventon
"Parke and following the said Pearle through Shenton Parke & from the other side of Shenton Parke so
"following the said Peirle into an old Mill place called Shenton Mill & so following the said Peirle unto
"a Brooke called Tytly Brooke & so upp the said Brooke to Lom ford meadow.

"Witnesses to this survey

"WM. DODD

"JOHN EYRE

"THOMAS MADDOX "

CHAPTER VI.

ADDERLEY CHURCH.

[1611—1625.]

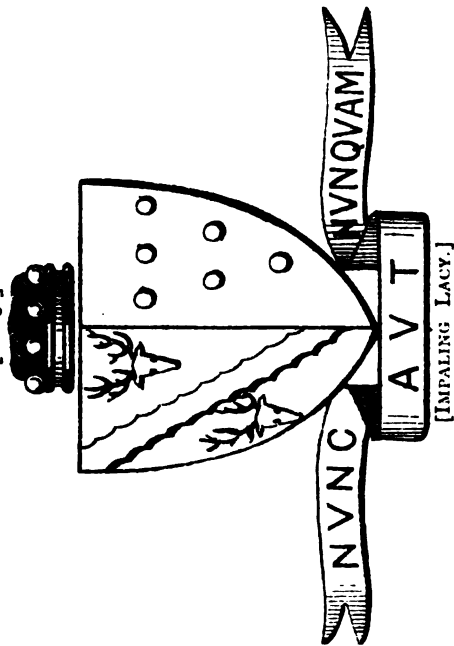
THE dispute about the tenure of Shavington was in itself a trivial matter, the whole rent in question being 12^s 6^d a year, but the determination with which it was maintained reveals an enmity between the Corbet and Needham families, which these paltry disputes served to enflame to an extent which eventually became scandalous. Like so many of these petty jealousies, things were brought to a crisis about a matter of precedence, and that in the last place where 'such quarrels should be introduced, to wit the parish church.

Sir Robert Needham (the first) had, as we have seen, his private chapel at Shavington, where mass was said until the end of the reign of Queen Mary. It then became compulsory to attend the parish church, and the chapel at Shavington fell into disuse and decay. Not only so, but, as unfortunately was the habit of the time, into ignominious abuse. The Holy Water stoup had been put to the vilest uses by the menials of the house.

The parish church of Shavington was at Adderley. The Corbets, who had become lords of Adderley, became at the same time patrons of Adderley Church. As such, they had reserved to them a pew on one side of the chancel, that on the other belonging to the Rector of Adderley. In those days, this question of precedence at church was a very serious one. I am afraid it would be impossible to say that all jealousies on this subject have now died out, but one may safely aver that it is now difficult to conceive the strong feeling that then existed on the subject. In these democratic days, questions of precedence are of comparatively minor importance. Then, they were vital. And, being vital, they made themselves particularly apparent at church. For the church, in those days, being a place where all had by law to attend, could hardly fail to be regarded less as a place of religious worship and more as a place of public assembly. Here, at least, it was

ARMS OF
ROBERT,
1ST VISCOUNT KILMOREY.

[1625.]



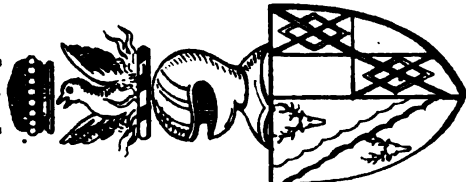
[IMPALING LACY.]

*From the window of the Kilmorey Chapel at
Adderley Church.*

See Page 33.]

ARMS OF
ROBERT,
2ND VISCOUNT KILMOREY.

[1631.]



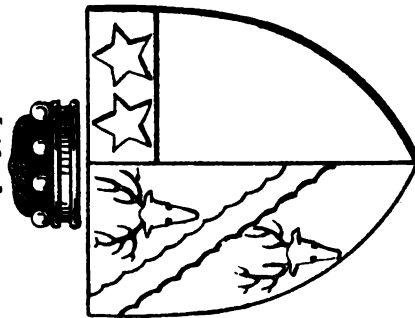
[IMPALING DUTTON.]

From the Kilmorey Chapel.

See Page 39.]

ARMS OF
CHARLES,
4TH VISCOUNT KILMOREY.

[1657.]



[IMPALING DRURY.]

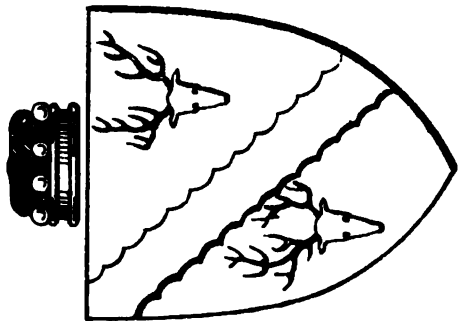
See Page 91.]

ARMS OF
ROBERT,
5TH VISCOUNT KILMOREY.



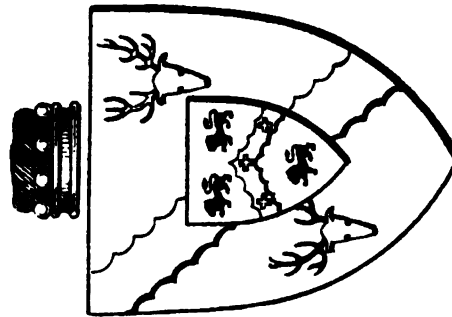
See Page 97.]

ARMS OF
ROBERT,
3RD VISCOUNT KILMOREY.



See Page 90.]

ARMS OF
THOMAS,
6TH VISCOUNT KILMOREY.



[CHARGED WITH FOWLER.]

See Page 98.]

certain that the whole parish, high and low, would be assembled once a week, and it was therefore felt to be particularly essential to have one's proper place, before, so to say, the eyes of the world.

The Needhams were therefore in rather an unfortunate predicament. Having hitherto had their own private chapel, and being, as it were, an offshoot of the parish, no special provision had ever been made for them in the parish church. Seats were provided for such of their tenants as frequented the parish church in the nave. But, when it became necessary for the Needhams to attend the church, no suitable seats could be found for them. Of course, Sir Robert and Lady Needham, could not, according to the feeling of those days, be expected to sit in the body of the church with the common herd, and accordingly, the Rector placed his own seats in the chancel at their disposal.

Matters therefore went on smoothly for some time, until, in 1625, Sir Robert Needham was made a Viscount.

What were the causes of this important event in the history of the Needham family we do not fully know, but Sir Robert himself, writing to a friend at the time, speaks of the title as being "unsought for by him, and he did not know of it "until the patent was brought to his house in the country. He believes that it "was given in regard of the service which he did in Ireland in the time of Sir "William Russell and the Earl of Essex, and the great charges he was at in "maintaining men and horses. He had relinquished all claim for money for "entertaining a troop of horse and a company of foot." *

Sir Robert had moreover been very much engaged in raising troops in England. It must be remembered that, at the date of which we are writing, there was no regular standing army in this country. It was not until after the Restoration that a permanent standing army was first established in England, when the Coldstreams, enrolled by General Monk, became, as they remain, the senior regiment in the service. In earlier days, the forces were supplied by the enrolment of trained bands and militia in the different counties. Each county, and each hundred and borough, supplied its quota, under the direction of the Lieutenants and Deputy Lieutenants of the county. As a Deputy-Lieutenant of Shropshire, Sir Robert had vigorously undertaken the enrolment of trained bands, and a MS. book compiled by him contains much information on this subject between the years 1617 and 1627. This book, which contains valuable details of the musters, has also other items of interest copied into it. We find there, for instance, a letter, dated 4 June 1620, from Achatius Bourgrave et Baron le Dohna, to the Lord Lieutenant, the Sheriff, and others of the county of Salop, as follows:—

"The King of Bohemia, my master, has charged me to desire of the
"Lord Mayor and Aldermen of London, to furnish him with the loan of a
"good sum of money. They are very well disposed that way, yet they desired
"to leave a place open for you and others to concur with them. The Clergy

* Muniments of Shavington, § VIII.

“and many of the nobility have embarked themselves in this. I promise you a
“grateful acknowledgement hereafter, under the hands of the King and Queen
“of Bohemia.”

Then again, poaching appears to have occupied their attention. We find, under date the 10 July [1621], the King, by the Lord President and Council in the Marches of Wales, writing to Sir George Mainwaring, Sir R. Needham, Sir R. Vernon, Sir Rowland Cotton, Sir Richard Egerton, Knights, Arthur Sandford, Thomas Kynaston, Ralph Egerton, Esquires, William Hussall, and Arthur Warde, gentlemen, an “order for the attachment of persons not having 40^s a year in freehold lands, “who are suspected of killing pheasants, partridges, heathcocks, grouse, and heath “hens, of keeping greyhounds and hounds, and of shooting wild-fowl.”

A light is thrown on this order by a letter addressed, on the 24 April, 1611, by Mr. Roger Owen to Sir R. Needham, in which he says that “Monsieur Vitrex, “a great soldier of France, and a great huntsman, is with the King and hunts “every day. He says he will teach the King how his dogs shall hunt and take “the hart in the night.”

There is here, too, an order, dated 8 October, 1622, from John, Bishop of Lincoln, Lord Keeper, to the Earl of Bridgewater and the justices of the peace of the county of Salop, directing the enforcement of the law against beggars, rogues, vagabonds, and gipsies (Egyptians), and other lazy and unprofitable members of the commonwealth, and for the restraint of exorbitant charges for corn, hay, &c.

There is, also, an order from Bridgnorth, undated, by the justices of assizes, with the assistance of certain justices of the peace, that no innkeeper shall take above 6^d day and night for a horse at livery, nor above 2^s for a bushel of oats, Winchester measure, nor above 3^s for a bushel of pease of the said measure. The remainder of the book is taken up with orders for musters, &c., and for contributions of money, voluntary and otherwise.

We see, therefore, Sir Robert Needham active in the King's service both in Ireland and England, and accordingly, on the accession of Charles I, he was created Viscount Kilmorey in the peerage of Ireland.

This brought the question of precedence to a head. Sir Robert Needham might occupy a secondary position to Sir John Corbet, but Viscount Kilmorey could not brook this, especially in regard to people with whom, for other considerations, he was at daggers drawn. Whatever his feelings might have been, he had contrived to pocket them until he became a Viscount. Then, matters were placed on a different footing. Sir John Corbet went about declaring that an English Baronet was as good as an Irish Viscount. Still, precedence is precedence, and, whatever his views on the subject, he had to give the *pas* to the Viscount when he met him. It must, therefore, have been exceedingly galling to the latter to find himself sitting in an inferior position in church. Moreover, the seats provided by the Rector were narrow and uncomfortable, and, when the Rector took to himself a wife, although he enlarged the pew and made it more comfortable, it placed the Viscountess in a still

more unpleasant position as a mere occupant on sufferance of the Rector's wife's pew. Add to this that the Needhams would now be entertaining guests of distinction from time to time, and it was out of the question that no suitable provision should be made for them.

Accordingly, within a few months of his creation as Viscount, Lord Kilmorey and Mr. Alexander Needham twice visited the Right Reverend Father in God, Thomas, Lord Bishop of Coventry and Lichfield, at his palace at Eccleshall, for the purpose of obtaining his licence for the erection of an aisle or transept on the North side of the parish church for the use of himself and his family. The Bishop entertained the request very graciously, but was in some doubt as to his legal right to grant such a licence as was asked for by Lord Kilmorey, without the consent of the patron or incumbent of the living.

It so happened that Mr. Edward Latham, Barrister at Law, was a guest of my lord bishop at Eccleshall, and to him the bishop communicated his difficulty, asking his advice as a lawyer. Mr. Latham was of opinion that the leave of the patron and incumbent was necessary, but, on its being pointed out to him that this leave on the part of the patron would certainly not be forthcoming, he suggested, as a way out of the difficulty, that a process should be issued to the patron, incumbent, and churchwardens, to show cause why the licence should not be granted. But the Bishop's secretary, who took a kindly interest in Lord Kilmorey's wishes, being present, objected that much time would be lost by issuing a legal process, and that my lord was very anxious that the matter should be settled with all convenient speed. The Secretary suggested, as an alternative, that the difficulty should be met by a proclamation, to be made publicly in the church, to the effect that the licence would be granted, unless any person should shew cause to the contrary. This course would have the double advantage of saving time and throwing the onus of obstruction on the patron. The suggestion met with approval. Meanwhile, the Bishop appointed Mr. Baddellie a delegate to attend and mark out the position which the chapel should hold. Without waiting for the result of the proclamation, Mr. Baddellie lost no time in paying a visit to Shavington. On the day of this visit, it happened that Mr. William Grosvenor was calling upon the Viscount, and, their business being concluded, Lord Kilmorey invited him to stay dinner and meet Mr. Baddellie.

Mr. Grosvenor accordingly stopped to dinner, and after dinner, accompanied Mr. Baddellie, Lord Kilmorey, and Mr. Alexander Needham to Adderley Church. Here were assembled several tenants of Sir John Corbet's, and others, and, in their presence, Mr. Baddellie marked out the lines of the chapel walls. Subsequently, Lord Kilmorey asked Mr. Grosvenor whether he could tell him of any quarry where good stone could be obtained, and Mr. Grosvenor undertook to make inquiries, and eventually selected a suitable quarry.

Some surprise was evinced that no interruption or protest was made to this proceeding on behalf of Sir John Corbet, as it was evident that the matter was

known in the neighbourhood from the number of spectators, many of whom were his own tenants. Sir John, however, though he did not then actively intervene, was evidently aware of what was going on, for we find him, in September, 1625, penning the following diplomatic letter to Mr. Grosvenor:—

“I caused all the land within the manor of Adderlie to be measured and surveyed that in any sorte belonged to mee excepte the glebe; which I perceave of late some parte thereof hath beene measured by those that had noe power soe to doe and in y^r presence. There is no parishioner can challenge any more there than will cover their corpses and as for the Lord of Killmorey you knowe that he desireth not a foote more of lande than what is his owne as he did declare at our last meeting Betwixt Adderlie and Titley Parkes there is nothinge can be done there but must be an hindrance and wronge to the patron and incumbent. I stand not upon these thinges yet I could not be held ignorant of my right I acquaint you herewith as beinge one employed in that action that I will not loose what in right is mine.”

Mr. Grosvenor at once repaired to Shavington and shewed Lord Kilmorey the letter. My lord, however, reminded Mr. Grosvenor that Mr. Baddellie had been specially asked, at the time, whether Sir John could interfere, and had replied that, as the land had been consecrated, the right was in the bishop, who could grant the licence if he would. If Mr. Baddellie had so informed my lord, however, he was going beyond his instructions, for it is quite evident, from what passed between the bishop and Mr. Latham, that the former did not dispute the patron's right.

Mr. Grosvenor at once communicated Lord Kilmorey's reply to Sir John, but this did not shake his opinion, as he had taken the advice of several civilians and common lawyers upon the point, and they had expressed no doubt about his right as patron of the parish.

The objection of Sir John Corbet was made known to the Bishop, who himself took a different view from Lord Kilmorey. The incumbent, too, who was probably in this matter only a tool of his patron, supported Sir John, and, in the face of this opposition, the bishop did not feel justified in granting his licence. Matters, therefore, came to a deadlock, and Lord Kilmorey found himself in, if possible, a less comfortable position than before, for he had only stirred up Sir John's opposition, without obtaining any benefit for himself.

CHAPTER VII.

SHAVINGTON CHAPEL.

[1625—1631].

IT was, of course, quite impossible that things should remain in the position in which we left them at the end of the last chapter. As if matters were not bad enough, there was another complication of the difficulty. The Shavington Estate, on the north-east side, abutted directly on the Corbets' estate at Adderley, and in order to reach the main road, and Adderley Church and village, it was necessary to use a road passing through a portion of the Adderley Estate.* This had been a right of way from time immemorial, and indeed was the only egress from Shavington in that direction, but it was regarded with some jealousy by the Corbets, who never kept it in any sort of repair. It was, in fact, a mere cart track across the fields, which, in bad weather, became a complete quagmire, and wholly impassable for carriages. It then became necessary either to go actually over the fields or to take a circuitous route, avoiding the Adderley estate altogether.

Under these circumstances, and considering his age, which now approached three score and ten, it is not surprising that the Viscount considered himself practically debarred from attending the parish church. The old chapel at Shavington was now remembered. It had indeed been long forgotten, and scandalously desecrated, and had become utterly unfit for use. Nevertheless, what decency and reverence had failed to do, the wounded pride of the Needhams accomplished, and it was decided to rebuild the chapel, which was situated in the lower court of the then existing mansion. In the year 1628, the rebuilding was begun, and was rapidly pushed forward, and early in the ensuing year, the chapel was ready for use. No time was lost in having Divine Service performed there, which was attended by the family, servants, and tenants, and even by some of Sir John Corbet's tenants. The Bishop of Coventry and Lichfield, who had proved complacent in the matter of the aisle, was again applied to to consecrate the new chapel. This he consented to do. Numerous guests were invited to Shavington for the ceremony, which was the talk of the

* See Map facing this page.

neighbourhood. The morning of the 7th of June was the time fixed for the consecration. The Bishop previously asked Lord Kilmorey to what uses he wished the chapel consecrated, but this his lordship left entirely to the Bishop's discretion. Between 9 and 10 in the morning of the day fixed, some 200 persons assembled in the chapel; guests, tenants and others, including many tenants of Sir John Corbet's. The Bishop, having offered up a short prayer, consecrated the chapel in these words:—

“In the name of God, Amen! Whereas the very noble Lord Viscount
 “Kilmorey, impelled by pious and religious devotion, that he with his family
 “may the better serve God, hath newly built and erected this chapel and
 “oratory on his own land at his own charges and hath decently and
 “sufficiently adorned the same with a table pews and other necessities for
 “the celebration of divine worship and intends further to adorn it and hath
 “asked Us to consecrate and dedicate the said chapel to sacred and divine
 “uses by virtue of our ordinary and episcopal authority:

“We, therefore, Thomas by Divine Providence Bishop of Coventry and Lichfield
 “inclining and assenting to his pious and religious desire in this behalf (as far
 “as in Us lies and of right law statutes and canons of this realm of
 “England we can or may) do consecrate and dedicate by the name of The
 “Chapel of The Holy and Undivided Trinity at Shavington aforesaid this same
 “chapel or oratory for divine worship, for celebrating divine worship and for
 “the administration of the Sacraments both of the Lord's Supper and Holy
 “Baptism and for the solemnisation of matrimony and for prayers and preaching
 “the Word of God purely and sincerely and for all other divine and religious
 “acts soever except the burial of the dead, and that so consecrated it should
 “be and remain to all time We openly and publicly pronounce decree and
 “declare and We wish this chapel or oratory to be invested and adorned
 “with all and singular the necessary and usual privileges appertaining to chapels
 “of old foundation; and so far as in Us lies and of right We can do We invest
 “and adorn it by these presents, saving always the rights of the mother church
 “of the parish to all oblations, &c, and saving all rights.”

After this ceremony, the Archdeacon of Shrewsbury said the prayers, and the Bishop preached a sermon. He afterwards administered the Communion to a number of persons, baptised a child, and confirmed several persons.

Much anxiety was felt by the family as to what course Sir John Corbet would take, but although he was informed of the consecration by Mr. Wibunbury, one of the guests, the same day, and inquired particularly as to what had been done and to what uses the chapel had been consecrated, he took no steps in the matter. Mr. Wolley, the Rector, was at Cambridge at the time, but, on his return a month later to Adderley, he was informed of the event, and he too appeared inclined to let the matter rest.

The lull was only temporary, however. About eight months afterwards, Sir John Corbet sent his servants to Mr. Baddellie for copies of the deed of consecration

and other documents relating to the chapel, and was supplied with duly authenticated copies. Shortly after this, Sir John Corbet and Mr. Wolley instituted a suit in the Court of Arches against Lord Kilmorey to have the consecration annulled on the ground that the rights of the parish church had been infringed.

On the 19th June, 1630, Sir Henry Martyn, the Dean of Arches, gave his judgment, annulling the consecration of the chapel and declaring the same to be invalid in its plenary sense, but declaring the chapel to have been duly and validly consecrated "for the celebration of the Lord's Supper, for Divine prayer, for "preaching the Word of God therein purely and sincerely;" and, in that limited sense, he pronounced the consecration valid.

This decision was deeply resented by Lord Kilmorey. Not that, as a matter of fact, the limitations themselves were in any way irksome, as the chapel was declared to be duly consecrated for the purposes for which it was required, but the gall of the decision lay in the restraint being imposed in a measure by Sir John Corbet. This no Needham could endure, and Lord Kilmorey at once gave notice of appeal. But, before any further steps could be taken, Lord Kilmorey had to appear before a Higher Tribunal, and left his earthly dissensions.

He had, shortly before his death, married a second time, (in 1629) Dame Dorothy Packington, who survived him. He died on the 24th November, 1631, and was succeeded in his honours, title, and estates, as well as in his lawsuits, by his son, Robert. In his will, which was proved on the 22nd March 1631,* he mentions his sisters, Lady Dorothy Chetwode, Lady Mary Vernon, Mrs. Fane Arknell, Mrs. Maude Aston, and his sons-in-law, Sir Rowland Cotton and Sir William Owen.

* 1632 New Style.

CHAPTER VIII.

THE RIGHT OF WAY.

[1631-2.]

ROBERT, second Viscount Kilmorey, had married, in 1607, Frances, daughter of Sir Henry Anderson, by whom he had one son, Robert; he married, secondly, Eleanor, daughter of Thomas Dutton of Dutton, and widow of Gilbert, Lord Gerard, by whom he had two sons, Charles and Thomas.

To the dispute with Sir John Corbet the new Viscount succeeded with great spirit. No sooner had he proved his father's will in 1631-2, than we find him taking up the cudgels in a matter which had then become urgent.

We have seen that the Needhams had, in getting to their parish church at Adderley, to pass through a portion of the Adderley demesne. This road, as we have also seen, the Corbets were at no trouble to keep in repair, and as it was the only direct route, not only to Adderley, but to the Kilmoreys' other property at Badington, Broomhall, and Cranage, as well as to the important town of Nantwich, the nuisance was severely felt by them.

Shortly before his death, the old Lord had taken proceedings in this matter, and Sir Robert Heath, the Attorney-General had, on his information, begun a suit against Sir John Corbet in the King's Bench. The matter came on for a hearing at the assizes in 1631, when the case was adjourned to enable the jurors to view the *locus in quo*.

Lord Kilmorey seems to have despaired of getting his rights from the King's Bench, or to have anticipated innumerable delays, for we find him, in the early part of 1631, instituting a fresh suit in the Court of Marches.

Sir John Corbet demurred to this suit on the 26th April, 1631, on the ground—

1. That the Court had no jurisdiction.
2. That a suit was pending on the matter in the King's Bench; to wit, the suit of "The Attorney General *v.* Corbet and others."

3. That issue had been joined in this suit, and the case ordered to be heard at the next assizes, but it had not been proceeded with. *

Under these circumstances, this suit was likewise abandoned, and nothing further seems to have been done by the old Lord before his death. He, however, left a careful memorandum, in his own handwriting, pointing out that this road led from the townships of Longslowe, Styche, and Warrenshall to Adderley and Nantwich, thus putting the matter on public grounds, instead of making it simply a question of a private matter of a right of way from Shavington.

To this memorandum the new Lord added a note, in his own handwriting, to the following effect:—

“To enter new processe upon all y^e former severall informations concerning
“this way.

“To exhibit a newe information in y^e King's Att^{rs} name, and to laye y^e waye
“to be from the towns abovenamed.

“And thereupon to sewe out processe de novo to y^e Sheriffe agst Sir
“J. Corbet and y^e rest of y^e inhabitants of y^e parish of Adderley.”†

In the first instance, subpœnas were served on Sir John Corbet and the other defendants in the suit in the King's Bench on the Thursday after the octave of St. Hilary.‡ His attorney appeared in the suit but did not plead.§

Sir John's only answer to the suit seems to have been to block up the way altogether by putting a hedge and ditch across it. Accordingly, Lord Kilmorey instituted a fresh suit in the Court of Wards and Liveries to have the way opened. On the 11th May, 1632, he made an affidavit, setting out that the way had been blocked up about Lady day then last.||

Thereupon, on the 14th, the Court made an order for Sir John to open the way.¶

Sir John, however, did not comply with this order. There are some memoranda in Lord Kilmorey's own handwriting addressed to his agent or a relative; it is impossible to say which.

From these we gather as follows:—

“Injunction was served 29 March on Sunday 3rd June the order had not been
“complied with.

“Apply for attachment.

“You and Alexander** have been served (since 29 May) with warrant fr. Sheriffe
“of Shropshire by virtue of writ from K's B.†† to appear & know
“of him what course you are to hold in that business.

“Whether livery has been entered since my father's death (24 Nov).

* See Pleadings in the Muniments of Shavington, § VIII, iv, 513. † Ibid., 514.
‡ St. Hilary's Day, January 13th. § Muniments of Shavington, § VIII, iv, (c.) 517. || Ibid., 518. ¶ Ibid., 519.
** Alexander Needham. †† King's Bench.

"To pay fees to continue livery 6 mos.

"Newe processe in all the informations in the K.B. about the way.

"Proctor to look out for proceedings about Shavington Chapel." *

On the 6th June, John Barker swore an affidavit of the service of the order on Sir John Corbet.† On the next day an order was made for the attachment of Sir John, unless cause was shewn on the following Monday.‡ On the 11th June, Roger Reynolds made an affidavit that the way was open,§ and on the same day the Court made an order that the way must remain open until the hearing of the case.|| On the 21st, Sir John's examination on interrogatories was ordered,¶ and on the 28th Sir John replied. His reply was to the following effect:—

"1. That at last assizes at Newport the case was tried about the way.

"2. That the jury desired to view the way in the presence of the late Lord
"Kilmorey and Sir John Corbet.

"3. That no highway could possibly exist where it had been pointed out."

After this, the case proceeded no further. Sir John Corbet's third point raised a further question as to the exact direction of the track, which had, it would seem, been altered to suit one of his tenants. This tended to make the case more complicated than ever. The order of the Court that the way should be left open appears therefore to have satisfied Lord Kilmorey at that time, and, in view of other and greater difficulties, this particular one seems to have been allowed to drop. Accordingly, the way remained open under the interim order of the Court, and that order has been observed to the present day, the case never having been heard. Although the way was left open, Lord Kilmorey did not succeed in compelling Sir John Corbet to repair it, and no attempt in this direction has since been made. The road remained, for centuries after, a mere cart-track through the fields, and a totally inadequate approach to Shavington from the Adderley side. The late Earl of Kilmorey, who inherited some of his predecessors' faculty for disputes about his boundaries and property, and who carried into them all a certain dry humour, had a notice-board erected on the road with the following inscription:—

"This road is impassable,

"Not even jackassable,

"Who on it would travel

"Must bring his own gravel."

So it was when I first saw it in 1885, but since then the road had been mended. When I heard that this had been done by the Highway Board, I felt that Sir John Corbet must have turned in his grave in horror at such an infringement of his rights.

* Muniments of Shavington, § VIII, iv, (c.) 521. † Ibid., 522. ‡ Ibid., 523. § Ibid., 524. || Ibid., 525.
¶ Ibid., 530.

POSTSCRIPT TO CHAPTER VIII.

The following is a brief epitome of the proceedings in the various cases about the right of way preserved among the Muniments at Shavington:—

I.—Attorney General v. Corbet and others.

(In the King's Bench.)

Easter Term. 6. Car 1. (1630)	Brief in the suit.	[M. of S. § VIII, iv. 504]
	Minutes of Evidence.	[ib. 505]
	Names of jurors.	[ib. 509]
Assizes. 7 Car. 1. (1631)	{ Order of the Court. The jurors to view the way.	[ib. 512]

II.—Kilmorey v. Corbet and others.

(In the Court of the Marches.)

26 April 1631.	Pleadings in the suit.	[ib. 513]
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III.—Kilmorey v. Corbet.

(In the Court of Wards.)

	Memorandum by Robert, Lord Kilmorey the father & Robert, Lord Kilmorey the son (quoted above).	[ib. 514]
	Plan of the way.	[ib. 515]
	Information on behalf of Lord Kilmorey.	[ib. 516]
	Draft affidavit of John Young.	[ib. 517]
11 May 8 Car 1 (1632)	Affidavit of Lord Kilmorey that the way had been closed about Ladyday last.	[ib. 518]
14 May 8 Car. 1 (1632)	Order of the Court of Wards to Sir John Corbet to open the way.	[ib. 519]
6 June 8 Car 1 (1632)	Affidavit of service by John Barker & of non-compliance with the order.	[ib. 522]
7 June 8 Car 1 (1632)	Order for attachment of Sir John Corbet if he did not shew cause on the following Monday	[ib. 523]
11 June 8 Car 1 (1632)	Affidavit of Roger Reynolds that the way was open.	[ib. 524]
11 June 8 Car 1 (1632)	Order that the way must remain open until the hearing of the cause	[ib. 525]
16 June 8 Car 1 (1632)	Further affidavit of John Barker	[ib. 527]
18 June 8 Car 1 (1632)	Order for the defendant's plea to be read	[ib. 528]
21 June 8 Car 1 (1632)	Further affidavit of Roger Reynolds	[ib. 529]
21 June 8 Car 1 (1632)	Order that Sir John Corbet should be examined on interrogatories	[ib. 530]
28 June 1632	Examination of Sir John Corbet	[ib. 533]
9 Oct. 8 Car 1 (1632)	Order for the defendant's examination to be read	[ib. 531]
16 Oct. 1632	Interrogatories to be administered to Sir John Corbet	[ib. 532]
17 Oct. 1632	Affidavit of John Barker	[ib. 534]

CHAPTER IX.

SHAVINGTON CHAPEL APPEAL.

[1633.]

THE last item in the memoranda of the second Lord Kilmorey* quoted in the last Chapter, reminds us that there was another matter, left unsettled by his father, which required his attention. This was the appeal in the suit in the Court of Arches, between Sir John Corbet and the Rev. Edward Wolley (Rector of Adderley) against Robert, the late Viscount Kilmorey, and himself, the then Viscount Kilmorey. As we have seen, in 1630, Sir Henry Martyn, Dean of Arches, had made a decree, limiting, to a certain extent, the original Act of Consecration of Shavington Chapel.

On the 8th February, 1632-3, a Commission was appointed to try the appeal. The Commission was addresssed to—"Walter^m Winton Ep.†; Franciscus Elien, Ep.‡ et Johan Roffen Ep,§ Thomas Wynniffe, S.T.D. Decanus Eccle. Cathis. divi Pauli, "Londin.|| Johannes Lambe, miles, Nathaniel Brent, miles,¶ Thomas Ryves, Advocatus "Generalis, et Ricardus Zouch, Thomas Bennet, et W^m Griffith, legum doctores."**

The pleadings on Lord Kilmorey's behalf, as appellant, were dated 28th June, 1633. These allegations, an epitome of which will be found at the end of this chapter,†† described generally what had been before related:—That the late Viscount had a wife, and was well stricken in years. That his house was at some distance from the parish church, where there was no sufficient accommodation for himself, his family, and his guests. That Sir John Corbet claimed the right to the chancel, and that he denied Lord Kilmorey's right to seats there. That the late lord had been willing to build an aisle or chapel there, that the Bishop had given his consent, but that the workmen had been stopped by Sir John. That the road was very bad, and that Sir John had not allowed him to mend it. That there had

* Page 42. † Walter Curle, Bishop of Winchester, 1632—1650. ‡ Francis White, Bishop of Ely, 1631—1638.

§ John Bowle, Bishop of Rochester, 1630—1637. ¶ Thomas Wynniff, Dean of St. Paul's, London.

¶ Who succeeded Sir Henry Martyn as Dean of Arches. ** Muniments of Shavington, § VIII, iii, 492.

†† See Postscript I. below.

been formerly a chapel at Shavington, and that Lord Kilmorey was entitled to keep two chaplains. That the late lord had resolved to build a chapel, and that the Bishop approved. That the chapel had been built and consecrated on the 7th June, 1629, and had been inspected by many of Sir John's tenants, and that though Sir John and Mr. Wolley knew of the building, they had not interfered until some months after the chapel had been consecrated.*

The petition in the appeal recites that the late Viscount had obtained a licence from the then Bishop of Coventry and Lichfield to build an aisle at Adderley; that he had been prevented by Sir John Corbet; that he had then obtained a licence to erect a chapel at Shavington, which was afterwards consecrated, and that Sir John Corbet, knowing thereof the same day, did not oppose the same until about 15 months after, and that Sir Henry Martyn restrained the chapel to a place of oratory only, and that for the Lord Viscount and his family only. The prayer of the petition asks that the Act of Consecration may be confirmed, he paying and doing all rights, tithes, and duties to the Mother Church, and keeping such a chaplain there as shall be conformable and allowed by the Bishop of the Diocese for the time being.

It will be seen that there are several errors of statement in the petition. The Bishop never, in fact, granted a licence for the erection of the aisle; Sir John Corbet did not make a delay of 15 months, as Sir Henry Martyn's decision was given within a year; and the limitations of Sir Henry Martyn were not so narrow as alleged in the petition.

Sir John Corbet replied to the allegations of Lord Kilmorey by admitting the unimportant matters and denying most of the important ones. He admitted, generally, the allegations about Adderley Church, though he asserted that there was a large room with benches, in the church, set apart for Shavington. He asserted, too, that he had consented to the building of an aisle by Lord Kilmorey, though this is hardly in agreement with the facts. He denied the previous existence of a chapel at Shavington, or that Lord Kilmorey was qualified to keep chaplains. As to other matters, such as the Bishop's approval and the uses of the consecration, he referred these for proof, and as to Mr. Wolley's delay in the matter, he denied that this was of any concern.†

The Commissioners appointed the parish church of Drayton as the place for hearing the appeal, and fixed the 9th of September as the date.

On the 13th August the witnesses were subpœnaed to attend at the parish church of Drayton, between nine and eleven a.m., on Monday the 9th of September.‡

Lord Kilmorey called numerous witnesses to prove the various points disputed by Sir John Corbet. Amongst them were George Vernon, who had measured the distance from Shavington to Adderley Church; Sir R. Cotton, who knew it to be over a mile, and who also proved that the Needhams had no seats in Adderley

* See below, Postscript I., and Muniments of Shavington, § VIII, iii, 493.

† See Postscript I., and Muniments of Shavington, § VIII, iii, 495. ‡ Muniments of Shavington, § VIII, iii, 496.

Church. Mr. William Grosvenor, who had been present when Mr. Baddeley marked out the chapel, and had been remonstrated with by Sir John Corbet on this subject, gave the true history of these negotiations, and Mr. Alexander Needham confirmed the greater part of his evidence. Mr. Edward Latham, who had been staying with the Bishop of Coventry and Lichfield at the time of the negotiations about the chapel at Adderley, and William Jeffreys, Archdeacon of Salop, gave evidence with reference to the proposed chapel, and Thomas Worrall, Richard Morgan, and John Wibunbury, gave evidence to the effect that the pew belonging to the Rector had been re-built, when he married, for the convenience of his wife. Two old people, Jane Hochenhull, aged 75, and Thomas Tayler, aged 73, swore that they remembered the former chapel at Shavington.*

After hearing the evidence, the Commissioners raised certain legal points which they desired to have argued. These points were:—

- “ 1. Whether a Bishop may consecrate a Chappell to exempte any of the
“ Mother Church
- “ 2. Whether to the use of Baptisme and marriage
- “ 3. Whether without calling the patron and incumbent
- “ 4. Whether sine assignatione dotis †
- “ 5. Whether he that is curate may be presented and give account of his
“ parishioners.” ‡

I gather that the argument was heard on Friday the 31st January, 1633-4, at Doctors' Commons. §

The decree was formally promulgated on the 12 February, 1633-4, when the decision of Sir Henry Martyn was reversed, and the original Consecration declared to be valid and effectual.

* See Postscript I, and Muniments of Shavington, § VIII, iii, 497. † *i.e.*, without endowment.

‡ Muniments of Shavington, § VIII, iii, 497.

§ The following memoranda point to this:—

“ I shall attend this cause on Frydaye next at twoo of the clock in the afternoon att Doctors' Commons if my Lord of Elye do so appoint itt.

“ From my lodging,

“ Jan: 25, 1633.”

“ Jo. Roffens.

[M. of S., § VIII, iii, 488.

“ I shall attend this cause one Friday next at two of the Clock in the afternoon at Doctors' Commons if the rest of the Com^{rs} doe soe appoint.

“ Fra. Eliens.

“ Jo. Lambe.”

“ I shall attend this cause if my health permitt ye daie and place apoynted.

“ And T. Rives.

“ Ric. Zouch.”

“ Tho. Wynnyff.

[ib. 491

POSTSCRIPTS TO CHAPTER IX.

I.—EPITOME OF THE PROCEEDINGS IN CONNECTION WITH SHAVINGTON CHAPEL.

- 7 June, 1629 Act of Consecration of the Chapel. [Muniments of Shavington, § VIII, iii, 487.]
- 19 June, 1630. Decision of Sir Henry Martyn, Dean of Arches, in the suit of Sir John Corbet and the Rev. Edward Wolley v. Robert Viscount Kilmorey [ib. 488]
1633. Draft Appeal against the above decree [ib. 489]
1633. Statement of the grounds of appeal. [ib. 490]
1633. The names of the delegates [ib. 491]
- 8 Feb., 8 Car 1. Commission to the delegates [ib. 492]
(1632-3.)
- 28 June, 1633. Allegations on behalf of Lord Kilmorey. The following is an epitome of these allegations:—
1. Lord Kilmorey, deceased, was created Viscount.
 2. He had a Lady Viscountess, and was well stricken in years, being 70 or 60 years of age.
 3. The distance from Shavington to Adderley Church was 3, 2, or 1 miles.
 4. There were no convenient seats in Adderley Church for Lord Kilmorey.
 5. His seats were in the chancel.
 6. The seats in the chancel were much too straight for himself, retinue, and guests.
 7. Sir John Corbet claimed the right to the chancel.
 8. Sir John Corbet and Mr. Wolley had, before June, 1628, said that Lord Kilmorey had no right to the seats in the chancel.
 9. Lord Kilmorey was in 1625-1628 willing to build an aisle at Adderley Church.
 10. The Bishop gave his licence and marked out the ground.
 11. The workmen were stopped by Sir John Corbet.
 12. The way to Adderley was through Sir John Corbet's land, and was foul.
 13. Lord Kilmorey wished to mend the way, but was not suffered by Sir John Corbet.
 14. There was a chapel formerly at Shavington.
 15. Lord Kilmorey was qualified to keep 2 chaplains.
 16. The late Lord resolved to build a chapel at Shavington.
 17. The Bishop approved.
 18. The chapel was built in 1628-9.
 19. It was inspected by divers persons, including especially Sir John Corbet's tenants.
 20. It was consecrated on the 7th June, 1629.
 21. The manner of consecration was left to the Bishop.
 22. The chapel was consecrated to the usual uses in the diocese.
 23. The same uses obtain in all dioceses.
 24. Three hundred or four hundred persons were present, a sermon was preached, and Communion, Baptism, and Confirmation administered.
 25. Adderley House is within one mile, and many tenants of Sir John Corbet were present.

26. Sir John Corbet sent a servant the next day with a message of congratulation.
 27. Sermons were preached every Sunday, and Communion and Baptism frequently administered for 11 months.
 28. The parsonage was within one or two miles, and Mr. Wolley ought to have attended the Consecration.
 29. Mr. Wolley's family or servants must have heard of the Consecration.
 30. Mr. Wolley was at home within a few weeks or months.
 31. Mr. Wolley often met Lord Kilmorey within the same time, and saw the chapel, and was told of the Consecration.
 32. Sir John Corbet and Mr. Wolley knew that Mr. Baddeley had acted as registrar and kept a record of the proceedings.
 33. No inquiries were made by them within some weeks or months.
1633. Replies to allegations. The following is a short epitome of the replies. The numbers refer to the numbers of the allegations above. [Muniments of Shavington, § VIII, iii. 493
- 1 and 2. Credit.
 3. Three quarters of a mile.
 4. A large room with benches in the church and other seats for tenants belonged to Shavington anciently.
 - 5 and 6. Non credit.—He sometimes used the parson's pew.
 - 7 and 8. Credit.
 9. Credit that Lord Kilmorey gave out that he was willing to do so, and Sir John Corbet gave his consent.
 10. Credit.
 11. Sir John Corbet (before his consent given to the Bishop) heard and wrote to Mr. Grosvenor that his consent must be asked.*
 12. Credit the way is over his field.
 - 13, 14, 15 and 19. Non credit.
 - 16 and 18. Credit.
 - 17 and 20. Refert.
 21. Credit that all was done at Lord Kilmorey's request.
 22. Refert.
 23. Non credit.
 24. Credit that the people did not know to what uses the chapel was consecrated.
 25. He was told within forty days.
 26. Non credit.
 27. Credit that sermons were preached.
 28. Credit that parsonage is within one or two miles.
 - 29, 30 and 31. Non concernunt.
 32. Not till about 7 June, 1630.
 33. Non credit.

* Compare this with the letter actually sent by him to Mr. Grosvenor, see p. 36.

1633. Brief for Lord Kilmorey in the appeal.

The brief contains a summary of the evidence. The following is an epitome. The numbers refer to the number of the allegation above that the witness was called to prove.

3. *George Vernon* assisted to measure the distance, which was 556 perches.
Sir R. Cotton knew it to be over a mile.
4. *William Grosvenor* to prove that there were no convenient seats, 20 years ago he saw *Sir R. and Lady Needham* sit in the chancel.
Sir R. Cotton to prove that 26 or 27 years ago he lived at Shavington and that there were then no seats for the Needhams.
5. *Thomas Worrall, Richard Morgan, William Grosvenor, and John Wibunbury* to prove that *Mr. Wolley* had or late about his marriage built a pew on the north side of the chancel.
7. *Alexander Needham* went with the late Lord to Eccleshall and was present when *Mr. Baddeley* allotted the aisle. He heard Lord Kilmorey give directions to *Mr. Grosvenor* to get the stone.
William Grosvenor was present at dinner with *Mr. Baddeley* at Shavington and afterward at the allotting. He received an order from Lord Kilmorey to procure stones for building the aisle.
Edward Latham, LLB., was present at Eccleshall when Lord Kilmorey came there. He advised him to issue process against the patron to shew cause why he should not build the aisle.
Wm. Jeffreys, Archdeacon of Salop, to prove that proclamation of the aisle was made in Adderley Church, and that *Sir John Corbet* and *Mr. Wolley* did not contradict the same.
8. *William Grosvenor* to prove that he received a letter from *Sir John Corbet* in September 1625. He shewed it to the late lord, who reminded him that he had asked *Mr. Baddeley* whether *Sir John's* consent was necessary and that *Mr. Baddeley* had said that it was not. *Mr. Grosvenor* went to *Sir John* at Archall and told him this. *Sir John* said that he was informed by lawyers that this was not so.
9. *Alexander Needham* to prove that once riding and once driving with Lord Kilmorey over the road, he had to return and pass another way.
Thomas Worrall to prove that when the late lord brought his last bride* home he could not pass that way.
10. *Jane Hockenhull*, aged 75, to prove that, when a very little girl, she remembered the chapel at Shavington and that there was a priest there who said mass. She had dusted the alabaster images with her apron. She was a big girl before the chapel was pulled down. The Holy Water stone remained, and she had seen the men use it for a urinal.
Thomas Tayler, aged 73, was, 50 years ago, servant of *Sir R. Needham* at Shavington, and remembered the Holy Water stone.
11. *Alexander Needham* heard the Bishop ask the late lord as to the uses of the chapel, and Lord Kilmorey referred the same to the Bishop.

1633. Queries made by the delegates.

[Muniments of Shavington, § VIII, iii, 500.

12 February Confirmation by the delegates of the Act of Consecration.

[ib. 497.

1633-4.

II.—RECORD IN THE STATE PAPERS.

In the State Papers, Vol. CCXXX (1632), is a record of the Shavington Chapel appeal. It contains the following particulars:—

4. Brief on appeal (25 pages).
5. Statement of the particular points in dispute (one page).
6. Draft sentence (4 pages in Latin).

* Lady Packington, in 1629.

CHAPTER X.

THE IRISH FOOTBOY.

1633-1634.

THE triumph in the case of Shavington Chapel came too late. Before the decision of the delegates had been announced, the matter had been completely thrown in the shade by a still more serious cause of estrangement which had arisen between Lord Kilmorey and Sir John Corbet.

When Lord Kilmorey was at Market Drayton in September, 1633, during the hearing of the Shavington Chapel appeal, rumours came to his ears of an occurrence calculated to fill him with the most violent emotion. The story which he then heard for the first time, I will give as it was afterwards told in affidavits by the principal witnesses.

In the preceding month of January, an Irish footman of Sir John Corbet, by name Darby Maghkillary, had died at Adderley, and, on the 17th of the month, Sir John Corbet sent for Mr. Wolley, the Rector, to go to his house. Mr. Wolley was in fact on his way thither, when he met Sir John's messenger; he accordingly hastened on to the house and learnt the news of the death. Mr. Wolley, in conversation with Sir John, suggested the question of burial, whereupon Sir John said he would have him buried about the place where he (Sir John) was wont to sit in the chancel, which was indeed about four feet above the place where the late Lord Kilmorey lay buried. Mr. Wolley endeavoured to dissuade him from his purpose, saying, "the Chancel is the best part of the Church, and the best man could not have more honour than to be buried there, and therefore, I pray you, think of some fitter place for him," whereunto Sir John replied, "I will have him buried there." To which Mr. Wolley replied, "If you will, then he must."

Then Mr. Wolley appointed one John Bickerton, the clerk of the Church, to make the grave in the place described, and the man was buried there, though who paid the clerk Mr. Wolley did not know. He was not himself paid for the burial.

No one else had been buried there save Lord Kilmorey and this Darby, who was buried in a shroud and not coffined.

So secret was the whole matter kept that it was not until September that Lord Kilmorey heard the rumour. Being then at Drayton, on the hearing of the appeal, he met Mr. Wolley in the house of Mr. Unton. He thereupon taxed him with the burial, and the Rector immediately admitted having done it, but added, "the impetuous and imperious commands of his patron were not by him to be denied or withstood," or words to that effect.

Upon this confirmation of the rumour, Lord Kilmorey at once took steps to vindicate the honour of his family. He apparently sought the advice of counsel as to the best mode of effecting his purpose, for we find amongst the Muniments a draft case as to Lord Kilmorey's remedy under the circumstances.

It states that "Lord Kilmorey had a right of burial on one side of the Chancel at Adderley Church, and the lord of the manor of Adderley on the other; that the late Lord was buried there, and that Sir John Corbet and the parson caused an Irish footboy to be buried just above where the late lord lay. This had probably been done for two reasons :

" 1. To disprove Lord Kilmorey's right of burial.

" 2. To dishonour Lord Kilmorey.

" What remedy had Lord Kilmorey ?

" 1. Whether the Earl Marshall's court ?

" 2. Whether the High Commissioner's Court ?

" 3. Whether the delegates in the appeal in the Court of Arches ?

" 4. Whether the Star Chamber ?

" 5. Which or what other remedy is advised?*"

To this Lord Kilmorey received the following reply† :—

" Right Ho^{ble},

" I receaved this inclosed by a letter of Mr. Tereicke. I have according to his desire & my poore ability considered of the questions. As for the first about my lo: Marshall I doe conceive that may doe well and that my Lo: will both heare the complaynt & take it into consideration. The remedy and amende must lye in his lo^{ps} wisdom. Matters of Honour are according to discretion not any certaine lawe or rule, but therein that is in that course there are 2 doubts the one that D. Duck who is of counsell against you is my Lo: his principall Counsell in that Court and the other that my lo: his authority & jurisdiction being onely secular I doubt how he can doe any act wthin the church by causing the body to be digged upp or

* Muniments of Shavington, § VIII, v, 535.

† Ibid., xv, 761.

"makeing any decree for yo^r right such as may be for future times and prevention
 "of like abuses. Yet as I say I cannott but thinke it lyeth in his hon^r power to doe
 "you much right and that some course before him will not be amisse. For the
 "2^d question about the highe Commission: I doe not so well like of it, for it will
 "come to a question of right, and that Court cannott so well judge of it, yet if we
 "could make the act as a kind of prophanatiō or abuse of the churche buriall and in
 "contempt of it then y^e Court will take hould of it, and that Court may best right
 "you by removeall of the body or by prohibiteing like future abuses and implicate
 "decreeing for yo^r right, but that Court can give you no amende nor damages, onely
 "charges; The 3^d about alleadgeing it in yo^r cause now depending, I thinke it will
 "doe little good in it, but howsoever wee shall have time enoughe to thinke of that.
 "As for the Starr Chamber it is a question I can say nothings to as haveing no
 "experience in that Court. For the last, what other way &c., I thinke some course
 "must be taken before some Ecclⁱc^al* Judge both for the pronouncing for and
 "preserveing yo^r right and this necessary: and also for redresse in this pticular by
 "removeing the Corps, or otherwise as you shall desire, for onlly Ecclⁱc^al authority
 "can doe that Whether yo^r B^p† can or will doe anything I make noe question but
 "he may & can if he will, doe, both for yo^r right and redresse, but I doubt he will
 "not, w^{ch} if he refuse then how to bring it to the Arch^b that is upp to the Arches.
 "These things must be well considered and for my pt I dare not settle to give
 "pticular direction so sodaynely and together wth this course before the Ecclⁱc^al
 "Court for yo^r right & redresse. I thinke for yo^r & yo^r ho^{ble} deceased fath^r wronge
 "done in point of hono^r my lo: Marshall's authority is the best able to right you
 "and give you amendes. I desire yo^r hono^r pardon and so ceasing yo^r farther trouble
 "rest

" at yo^r hono^r service

" 27.7^{br}.1633^o

" GILBERT DETHICK."

"S^r John Lambe is yesterday made judge of the Arches soe as if you have
 "any interest in him he may doe yo^r hono^r better rights."

This letter would seem to imply that the Lord Marshall was the proper person
 to apply to in the first instance. He was, in those days, an important person, being
 the authority on all matters of etiquette and precedence, which, as we have seen,
 were then esteemed of great moment, and being, in fact, a sort of ultimate Court
 of Appeal on all points of honour, his powers were considerable, and, as will be
 seen by the event, greater than Mr. Dethick supposed.

Lord Kilmorey accordingly presented a petition to the Earl Marshall, the
 Earl of Arundel and Surrey, setting forth that:—

"He was of an ancient family enobled with divers honourable matches & his
 "ancestors havinge well deserved of their prince & country by eminent services and

* Ecclesiastical. † Bishop.

“employments. That indignities had been offered against him and the memory
“of his deceased ancestors by Sir John Corbet Baronet out of his inveterate
“malignity to the petitioner’s name & familie to the petitioner’s great scandall & disrepute
“unles his honor should notify him therein.

“Namely by his comparison that an English Baronet was as good as an Irish
“Viscount, (upon occasion intendinge the petitioner’s father) & especially by causinge a
“meane footeman of his to be buried in the ancient and appropriate burying-place of
“the Nedhams (the petitioner’s ancestors) above them & his late father which he
“effected with impetuous command unto the minister purposely to do disgrace to the
“petitioner and his familie afterwards sayinge that he sawe noe reason but as meane
“a man as a footeman might be buried above or neare as good a gent as the petitioner’s
“father was or to such disgracefull effect.*”

My Lord Marshall at once took action upon this petition, and on the 25th January, 1633-4, issued a warrant to Sir John Cox, one of the messengers of his Majesty’s Chamber, “Sir John Corbett to attach and bring with him in his companie before
“him to answeere unto such matters as shall be objected against him.†”

To this Sir John replied, (1) that the burial was made to assert his right to the Church, and (2) As to indignities, let Lord Kilmorey specify the time and place, and he would be prepared to answer. Accordingly, on the 4th and 5th of February, 1633-4, Lord Kilmorey caused a number of affidavits to be sworn by various persons, setting out his grievances.

Mr. Thomas Unton (at whose house at Drayton Lord Kilmorey had met Mr. Wolley, on the 10th September, and taxed him with the burial) detailed the incidents of the meeting.‡

Mr. Wolley, the Rector of Adderley, spoke as to his interview with Sir John Corbet, and to his insistance on the burial in the particular spot indicated, and the subsequent burial accordingly.

Mr. Edward Cressett also spoke as to the interview at Mr. Unton’s, and Sir R. Cotton and Mr. Thomas Bulkeley as to the disparaging remarks of Sir John about Lord Kilmorey. It was to the latter that he addressed his notorious saying that “an English Baronet was as good as an Irish Viscount.” Richard Clough, aged 86, and for fifty-five years clerk of Adderley spoke to the North side of the Chancel being the ancient burial-place of the Needhams.§

Hereupon, Sir John Corbet submitted himself to the order of the Lord Marshall, which was, on the 11th March following, given to this effect:—

“Whereas Sir John Corbett hath submitted unto an order by me lately made
“and amongst other things promised under his hand to cause the bodie of his late
“Servant Darbee Magh Killaree to be removed at his charges out of the Chancell
“of the Parish Church of Adderley: These are therefore to give notice unto the
“Lord Viscount Kilmorey and to Mr. Woolley Rector of Adderley aforesaid and to

* Muniments of Shavington, § VIII, xv, 537. † Ibid., 538. ‡ See Postscript to this Chapter. § Ibid.

"all others whom it may concerne that before the first day of Easter terme next Sir John Corbett is to give performance to my order still remayninge in my hands and that the said Sir John is to receive direcons from the Lord Bishopp of the Dioces to pforme the same att a fitte time respectively.

"Arundell House,

"ARUNDELL & SURREY."

"11 March 1633.*

On the same day, Lord Arundel sent Lord Kilmorey a copy of the order in a letter, couched in the most friendly terms,† informing him of his order as to the removal of the body; and as to the insulting words used by Sir John, telling Lord Kilmorey, that he had "denyed them under his hand, wch in some sort is satisfacon, yett I leave the burden upon his conscience that doth or should knowe whether he were the author of them or not." In conclusion, he exhorts to a friendly reconciliation with Sir John, and he "wishes that Sir John Corbett would understand himselfe soe well as becometh a wise man and then things would meet the desires of your Lord" "very affecconate frend

"ARUNDELL AND SURREY.‡"

At the same time, he writes to the Bishop of Coventry and Lichfield, with a copy of the order and an exhortation "to endeavoure to reconcile them in love and frendshipp whereunto I finde the Lord Killmorrey very nobly inclined and S^r John Corbett hath ptested unto me the like forwardnes to embrace it."

Sir John no doubt saw that discretion was the better part of valor, and removed the body, for this is the last we hear of the incident of "the Irish footboy."

POSTSCRIPT TO CHAPTER X.

I.—PROCEEDINGS WITH REFERENCE TO THE IRISH FOOTBOY COMPRISED IN THE MUNIMENTS OF SHAVINGTON.

The following documents which relate fully the above events are at Shavington:§

	(1633)	Queries as to Lord Kilmorey's remedy in the matter.	[535]
27 Sept.	(1633)	Opinion of Mr. Dethick thereon.	[761]
	(1633)	Draft petition to the Earl Marshall.	[537]
25 Jan.	(1633-4)	Copy of the Earl Marshall's warrant to attach Sir John Corbet.	[538]
4 Feb.	(1633-4)	Affidavit of Sir Rowland Cotton:—	
		That he met Sir John Corbet about Michaelmas last at Drayton on public business.	
		That Sir John Corbet said as mean a person as the boy had been buried by as good a man as Lord Kilmorey or words to that effect.	[539]
4 Feb.	(1633-4)	Affidavit of Thomas Unton:—	
		That Lord Kilmorey and the Rev. E. Wolley met in September last. Mr. Wolley said that the burial was against his will and at the command of Sir John Corbet. He had urged the suits and differences between the two families and that this would tend to further trouble.	[540]

* 1634 New Style.

† See Postscript below.

‡ Ibid.

§ Muniments of Shavington, § VIII, v. 535-548.

5 Feb. (1633-4)

Affidavit of Thomas Bulkeley :—

That " Sir John Corbet overtook him riding between Longslowe and Longford and said: ' I heare you are a maker of comparisions betwixt ' ' My lord of Kilmorey and mee.'

" To which this deponent answered ' Not I Sir but y^e man Roge' ' ' Reynolds did say that you were a better man than my lord of Kilmorey ' ' which is deceased.'

" To which the s^d Sir John then replied and said to this deponent and ' said, ' I think that an English barronett is as good as an Irish Viscount ' ' or to that effect."

[541]

5 Feb. (1633-4)

Affidavit of the Rev. Edward Wolley, Parson of Adderley :—

That " In Jan: anno dñi 1632* one Darbee Maghkillaree, an Irishman, " died at Adderley Hall.

" A messenger was sent for Mr. Wolley who was on his way to " the Hall.

" That he went to the Hall the same day, the 17th of the month, when " the following conversation took place :—Sir John Corbet ' Darbee is " ' dead.' Wolley ' He must be buried.' Sir John ' He should be buried " ' where he was wont to sit in the Chancel.' That is about four feet " ' above where the Lord Kilmorey lay buried. Mr. Wolley dissuaded Sir " John saying that ' it was not decent for one of so mean condition to be " ' buried there, saying the chancel is the best p^t of the Church and that " ' the best man c^d not have more honour for the place of his burial than to " ' be buried there.' Sir John ' I will have him buried there.' Wolley " ' If you will then he must.' Mr. Wolley accordingly ordered George " Bickerton the clerk to make the grave.

" Darbee was buried there in a shroud without coffin.

" Who paid the clerk Mr. Wolley knows not, he was not paid himself for the burial."

[543]

10 Feb. (1633-4)

Affidavit of Edward Cressett :—

That on Tuesday the 10th of September Robert Viscount Kilmorey, Mr. William Unton The Rev. E. Wolley and himself were all at Mr. Unton's house at Drayton. That Lord Kilmorey taxed Mr. Wolley with the burial, which the latter did not deny, but alleged " that the impetuous and imperious " of the s^d Sir John Corbet, his patron, were not by him to be denyed or " withstood."

[544]

5 Feb. (1633-4)

Affidavit of Richard Clough :—

That he was 86 years of age and had for 55 years been clerk of Adderley. That the North side of the chancel was the ancient burial place of the Needhams, and that no one else had been buried there but Needhams except, as he had heard, an Irish Footman of Sir John Corbet.

[545]

11 March (1633-4)

Letter from the Earl of Arundell and Surrey to Lord Kilmorey :—

" My Lord, Sir John Corbett (seeing a necssitye w^{ch} did prevale more " with him than the advice of frends) hath at last recollected himselfe and " given acknowledgement to his erro^r w^{ch} to redeeme he hath undertaken " according to my order att his owne chardges to remoove the body att such " time before the first day of the next terme as the Lord Bishopp of the " dioces (to whom I have recommended by my letter the care of the business) " shall appoint. I have also desired the Lord Bishopp to take care that

5 Feb. 1633-4 contd.

"a timely notice of the disinterment be given at you^r lordp's house att [544 contd.]
 "Shavington and also to the Rector of the Church that such of you^r family
 "may be there as may be able to verefye in what manner things are done
 "and for the words of comparison although he hath denyed them under his
 "hand w^{ch} in some sort is satisfacon yett I leave the burden uppon his
 "conscience that doth or should knowe best whether he were the auther of
 "them or not—Notwthstanding I have taken such an acknowledgement from
 "him w^{ch} I think in all points sufficient to rectifye your honor w^{ch} submission
 "I intend to keepe by me untill matters be better composed hopinge that
 "w^{ch} the boy both of yo^r will burye the memorye of all past differences. And
 "for you^r part my lord I am confident that you wilbe as ready to embrace
 "friendshipp as you were reasonable in the p'secucon of the busines And
 "I wish that Sir John Corbett would understand himselfe soe well as becometh
 "a wise man and then things would meete with the desires of
 "Arundell House, "You^r lord^{sh} very affecconate frend
 "11th March, 1633. "ARUNDELL & SURREY."

This letter is endorsed "To the Right Honourable the lord
 Viscount Killmorrey These."

11 March (1633-4)

Letter from the Earl Marshall to the Bishop of Coventry and Lichfield.

[546]

"After my very hearty commendacons unto you^r good lord^{sh} Whereas
 "uppon complaint lately made unto me by the lord viscount Killmorrey
 "That Sir John Corbett hath caused the body of an Irish boy his servant
 "to be buried amongst the auncest^r of the said lord in Adderley Church w^{ch}
 "uppon hearinge I found great cause should be remooved from that place
 "as very unfitt to lye there And have accordinglye ordered the same to be
 "remooved att the costs and chardges of the said S^r John Corbett. before the
 "first day of Easter terme next ensuinge w^{ch} I have made S^r John Corbett
 "to knowe who hath before me submitted himselfe and amongst other things
 "pmised* under his hand to pforme† it accordingly. I doe therefore earnestly
 "entreat you^r lord^{sh} beinge the Bishopp of that Dioces both in regard of
 "the reverence I beare to the church and the respect to you^r person that you
 "will cause the said order to be putt in execucon accordingly. Appointing
 "such convenient time as may be fittinge respectively. Givinge convenient
 "notice thereof both unto Mr. Woolley Rector of that Church and to the lord
 "Viscount Killmorrey And also to S^r John Corbett that he may use such
 "meanes as shalbe requisite in the due pformance thereof Soe not doubting
 "of you^r lord^{sh} best care herein As also to endeavoure to reconcile them in
 "love and frendshipp whereunto I finde the lord Killmorrey very nobly
 "inclined and S^r John Corbett hath ptested‡ unto me the like forwardnes to
 "embrace it, I rest
 "Ar: Ho: 11th "You^r lord^{sh} very affeconate frend
 "March, 1633. "AR: AND SURREY."

11 March (1633-4)

Notice of the Earl Marshall's decision in the matter, transcribed above in Chapter X.

[548]

* Promised.

† Perform.

‡ Protested.

CHAPTER XI.

THE KILMOREY CHAPEL.

[1635-7.]

LORD KILMOREY had now vindicated his right to have a private chapel at Shavington, he had defeated the attempts to limit the consecration, and he had avenged the insult of the Irish footboy. Having done so much, he hankered for more. He had also secured his right of way to Adderley Church, so, that obstacle being removed, the idea was revived of an aisle at Adderley. We find him taking the opinion of Mr. Noye, Attorney-General to Charles I, as to his rights in the matter.

The case submitted to Mr. Noye is a lengthy one,* and is all in the handwriting of Lord Kilmorey himself. It commences with the query:—

“Whether a parishioner of ye best ranke of his parishe that is destitute of a seate in ye parishe Church for himselfe wyfe and children may by virtue of the sole authoritie of ye Lord Bishopp of ye diocesse erecte an Ile uppon his owne coste and for his owne use to ye bodye of ye saide parishe Church without ye consente eyther of ye Patrone or ye incumbent.”

Then follow a number of other queries as to the proper course to be pursued. Mr. Attorney Noye was evidently no respecter of persons, for, not impressed with the preliminary question, he curtly replied:

“No man of the pish† of what condcon soer‡ may buyld an Isle or demolysh pt of ye church for ye purpose without consent of the byshop and the patron and the incumbent, and also of the pshioners.

“W^m. NOYE.”

The remaining queries he did not even trouble to answer. In face of this decisive opinion, Lord Kilmorey considered it useless to proceed in this method, so

* See Postscript to this Chapter. † Parish. ‡ Soever.

he conceived the idea of approaching his Majesty on the subject. Accordingly, he prepared the following petition to the King :—

“ To the Kinge’s most excellent Majestye.

“ The humble petition of Robert Viscount Killmorey.

“ Shewing

“ That whereas your petitioner’s late father for wante of a convenient seate
“ for him and his family in his parish Church of Adderley in your highnes county
“ of Salop :

“ By approbation of the Ordinary of the Diocesse did erect (neare to his
“ mansion House) a private chappell which afterwards was duly consecrated (with
“ reservation notwithstandinge of all dutyes to the mother church) but without
“ the immunity of buryall in the same chappell.

“ And whereas your petitioner & his Auncestors have had an Auncient buryall
“ place over all the Northside of the chauncell of the same church appropriate
“ to them :

“ In the highest parte whereof one S^r John Corbett Baronett hath lately
“ buried an Irish footeboy of his, in the very place where your petitioner’s
“ mother was Interred.

“ For which indigne affront and other injuries the said Sir John Corbett hath
“ lately been condignely censured by the right Honourable your Highnes
“ Lord Marshall.

“ May it therefore please yo^r Majestye (the premises graciously considered)
“ to vouchsafe your royall assent that yo^r petitioner at his owne proper
“ charge may erect a new Isle unto the sayd Church for ornament thereof
“ and for his better accomodation both in seate & buryall there if the lords
“ Grace of Canterbury your worthy metropolitan (upon reference to him) shall
“ think fit.

“ Howsoever yo^r petitioner accordinge to his bounden duety &
“ alleagaunce will ever praye, &c.”

The allusion to the Irish footman and the consequent insecurity of my lord’s burial-place is very neatly worked in. The concluding reference to the Archbishop of Canterbury (Laud) makes it probable that this petition was prepared in view of the metropolitan visitation of the Archbishop, which was made in 1634-5. At all events, the Viscount then approached the Archbishop on the subject. Laud was the very man for the work. He would have no nice scruples about the legal rights of patrons, and would highly approve of the addition to the parish Church of a suitable

family chantry. Accordingly, we find him, in 1635, giving his license for the erection of the Aisle in the following terms* :—

“ GULIELMUS provideñ diō Cant' archiepus totius Angliæ primas et metropōnus
 “ ad quem omñnis et omñoda jurisdictio spualis et ecclīca ad epum Coveñ et
 “ Licheñ spectans et pertinens ratione visitacionis ñræ metropōnæ intra eandem
 “ diō modo pendeñ notorie dignoscitur pertinere *Dilecto* nobis in Xto prænobili
 “ viro dño Roberto vicecomiti Killmorrey de Shavington atq̃ Sheynton infra parōam de
 “ Adderley in com̃ Salopiæ dçæ diōe Coveñ et Licheñ ñræque Cant' provinciæ salutem
 “ grām et benedictionem *Cum* ex parte ñra nobis sit ostensum quod tu præfatus
 “ dñs Robertus vicecomes Killmorrey unacum dña Elianora uxore tua at tota
 “ familia ṽra in domo mansionali sive manerio apud Shevington atq̃ Sheynton
 “ præd' inhabitans ubi maxima ex anni parte cum eisdem resides et residere intendis
 “ ideoq̃ Capellam sive Insulam in borealem partem eiusdem Ecclīæ parōalis a suprema
 “ et oriente parte cancelli usq̃ ad ostium boreale demptis duobus pedibus et dimīd
 “ in longitudine et latitudinis quindecim pedes aut eo circiter ad tuum et familiæ
 “ tuæ heredumq̃ et successorum tuorum et familiis suis in dçā domo mansionale
 “ inhabitāñ et inhabitatur' usum et commodum construere et erigere desideras et
 “ intendis (ñra exinde prius obtenta ña et confirmaçone) *Quas* tibi roganti sub modo
 “ et forma et provisione sequen' libenter præbemus et concedimus per p̃tes scilicet
 “ quod parietem borealem ecclīæ parōalis de Adderley præd' et cancelli ejusdem
 “ usque in longitudinem añdçam caute demoliri et saxa eiusdem demolitionis et
 “ alias exinde materies usui aptas ad structuram dçæ Insulæ quam minima
 “ vastatione applicare valeas eandemq̃ Insulam ad supportationem eiusdem
 “ ecclīæ columnis debitis et arcubus aptis et consolidatis sustentare pariq̃ et
 “ uniformi structura decenter ornata unacum largis fenestris ad lumen melius
 “ et clarius admittend' bene dispositio tam ad orientalem quam ad
 “ occidentalem necnon septentrionalem eiusdem Insulæ partem construere
 “ et ædificare poteris plenam in dño concedimus licentiam et facultatem
 “ *Proviso* tamen quod in loco competente et conveniente novi muri ṽri (ut
 “ præmittitur) ædificandi novum et condecens ostium in cancellum per dçam
 “ Insulam sive Capellam transeundi construas ut populus ad libitum suum per
 “ ostium præd'm cancelli ecclīæ ingredi vel egredi valeat prout antea consueverunt
 “ et usu fuerunt dçamq̃ Insulam sive Capellam sic per te construct' ad et juxta
 “ eccliam parōalem de Adderley præd' contiguam et adiacentem decenterq̃ finiend' et
 “ cooperiend' Tibi præfat' dño Roberto vice-comiti Killmorrey unacum dçā dña

* Muniments of Shavington, § VIII, v. 551.

"Elianora uxore tua ad v̄ros et familiæ v̄ræ heredumq' et successorum v̄rorum
 "inhabitantium domus mansionalis v̄ræ apud Shavington als Sheyn-ton præd' pro
 "tempore existentium et ad tuos et eorum solos et proprios usus ad diā ibm̄
 "et conciones audiend' et in sedibus per vos in eadem Insula erigendis sedend'
 "et gēna flectand' et corpora v̄ra defuncta inhumand' tumulosq' ibm̄ ad arbitm̄
 "v̄rm fabricand' quantum in nobis est et de jure possumus tenore pntium
 "assignamus et in perpetuum vobis concedimus et confirmamus per pntes *Proviso*
 "semper quod tu et successores tuis (ut præmittitur) in dca domo tua habitān'
 "versus reparationem alioq' usus necessarios Eccl̄iæ parōalis de Adderley præd'
 "præter et ultra reparationem eiusdem Insulæ perpetuis futuris temporibus propriis
 "expensis faciend' et sustentand' toties quoties opus fuerit juxta ratam sive
 "taxaçonem t̄m̄e imposit et imponend' et juxta juris exigend' cum reliquis parōanis
 "ibm̄ contribuere tenebimini sicut de jure jam astricti estis et antea fuistis a
 "cuius onere nolumus vos aliquatenus exonorare *In cuius rei testimonium, &c.,*
 "iij Julii MDCXXXV. "CROYDON.

"sign: a G^o SHERMAN regfario et Gul^o Arch:

"W^m SHEARMAN regfarius

"Sigill: arch.

"W. CANTUAR."

In pursuance of this license, Lord Kilmorey set about constructing the aisle, which still exists, and which has now passed from the Earl of Kilmorey to Mr. Heywood-Lonsdale.

The Chapel is certainly a striking feature in Adderley Church. It is situated on the North side of the Church, to which it forms a transept, and from which it was originally divided by a handsome oak screen. The latter was, however, subsequently removed, as we shall see. The interior is lined with oak wainscoting. The chapel was restored in 1822, when it was considerably raised, and the present north window was put in, so that we cannot precisely say what appearance it presented before that date.

The Chapel thus completed was ready for occupation in the middle of 1637, and we find Lord Kilmorey writing to the Archbishop's secretary to inform him of the fact.

"Sir,

* * *

"His L^dp in the tyme of his metropolitall visitation was pleased to graunte
 "me license to erect an Ile or Chappell on ye north syde of ye parishe Church
 "of Adderley in ye countie of Salop which structure I have now compleatly
 "finished both within and without. And as it is sayde of kingdomes that they

"are kept by the same meanes they are gotten, soe my originale title to this
"Ile or Chappell beeinge meerely grounded on his Ldps licence; I thought it
"became me not to be soe forward as to make use of it without his grace's
"privitie and approbation. I have not punctually followed ye dimensions prescribed
"in ye Act under seale (w^{ch} I herewth sende you) because in soe doinge I must
"have removed ye vestrie & eyther have stopt up ye chauncell doer or els have
"had a thorough-fare through my Ile or chappell in to ye Chancell: All wch
"inconveniencies I have avoyded by takeinge a little more in bredthe and a greate
"deale less in length than was allowed me, a pardonable transgression (I hope)
"for these considerations. There only remaines, S^r, that you would be pleased
"to move his grace to knowe his pleasure whether I must have it consecrated
"before I use it; and that he would give directions (if he thinke fitt) upon ye
"surrender of ye olde Act for makinge of a new Instrument under seale accordinge
"to this description here inclosed; for y^r trouble & paynes, S^r, both herein
"and forrmerly, I shall acknolledge y^r favour & continue

"Shenton, July 30th

"Y^r much obliged freinde

"1637.

"ROBERT KILLMOREY."

This letter was addressed:—

"To my especiall good ffrend Mr. Dell &c &c &c principall secretary to the
"Reverend ffather in God the Lord Archbishope of Canterbury his Grace at
"Lambeth
"theese."

This letter, despatched on the 30th July, was duly received on August 4th, and received prompt attention.

On the 7th November following, Laud issued his confirmation of the chapel in the terms following* :—

"GULIELMUS providentia divina Cantuar Archiepus totius Angliæ primas
"et Metropõnus *Dilecto* nobis in Christo pñobili et honorando viro dño
"Roberto vice-comiti Kilmorrey de Shavington ałs Sheynton in parõam de
"Adderley in com' Salopiæ dioces Coveñ et Licheñ fñræq' Cantuar provinciæ
"salutem gratiam et benedictionem *Cum* Nos raçone visitaçonis fñræ
"Metropõnæ infra dioces prædict' trās fñras sive Licentiam et facultatem pro
"construçone sive ædificaçone Capellæ sive Insulæ ad et juxta Eccĥiam
"parõalem de Adderley prædict' et eidem adringend' at tuum et familiæ tuæ
"hæredumq' et successorum tuorum et familiar' suarum in dċa domo mansionali
"de Shavington ałs Sheynton inhabitantium et inhabitatur' usum et commodum
"feri fecerimus et tibi præfato dño Roberto vice-comiti Kilmorrey concessimus
"sub tenore verborum sequen' viz't [seq': Licentia præd' in ipss' verbis] *Cumque*

* See Exhibit in Case No. XXV.

“ tu præfatus vicecomes Kilmorrey Insulam sive Capellam in boreali parte eiusdem
 “ Eccl̃iæ parōalis juxta Licentiam et facultatem tibi (ut præmittitur) factas et
 “ concessas (salvis infrascriptis) propriis impensis ædificari et construeri procurasti et sic
 “ ædificatam et constructam ædilibus aptis et convenientibus ac fenestris et luminibus
 “ decenter collocatis adornasti et pro usu et commodo tuus et familiæ tuæ ad divina
 “ ib̃m audiend' coaptasti in omnibus et per omnia secundum præscriptam formam et
 “ regulam in tr̃is et Licentia firā' præd' mençonat, hoc excepto quod pro evitandis
 “ quibusdam incommodis quæ alias nullo modo evitare potuisti eandem Insulam
 “ paulo breviorē et aliquantulum latiorē quam d̃ca a nobis præscripta licentia
 “ postulabat fecisti *Cumq'* tu præfatus dñus vice-comes Kilmorrey (hac insula
 “ sive capella præd' jam (ut præmittitur) modis omnibus perfecte constructa et
 “ ornata) nobis humit̃r supplicari fecisti, Capellam eandem prout jam constructa est,
 “ tibi præfato vice-comiti Kilmorrey unacum dñā Elianora uxore tua ac vobis et
 “ familiæ vr̃æ heredibusq' et successoribus tuis inhabitantibus et successivis
 “ temporibus inhabitaturis domum tuam mansionalē de Shavington prædict' ad tuos
 “ et eorum solos et proprios usus assignare concedere et confirmare auc̃tate firā
 “ metropōna præd' gratiaq' dignaremur NOS itaq' justis tuis petiçonibus in hac parte
 “ annuentes tibiq' et pro tuo in hac parte desiderio deesse nolentes præfatam
 “ insulam sive Capellam eccl̃iæ parōali de Adderley præd' adiacentem et contiguam
 “ per te et propriis tuis sumptibus et impensis (ut p'mittitur) jam constructam et
 “ ornatam ad divina ib̃m et conciones audiend' et in sedibus sive sedilibus ib̃m
 “ construct' seu construend' et erigendis sedend' et genua flectand' corporaq'
 “ defunctoꝝm inhumand' tumulosq' et monumenta ad arbitrium ṽrm resp̃e in
 “ memoriam eorundem pie fabricand' et ad omnes aliōs religiosos usus in similibus
 “ usitat' Tibi præfato domino Roberto vice-comiti Kilmorrey ac dñæ Elianoræ
 “ vice-comitissæ Kilmorrey uxori tuæ heredibusq' et successoribus tuis domum
 “ mansionalem de Shavington præd' perpetuis futuris temporibus inhabitantibus et
 “ inhabitaturis ad tuos et eorum solos et proprios usus aŃdiçt familiarumq' resp̃e
 “ vestrarum quantum in nobis est et de jure possumus tenore p'ntium assignamus
 “ concedimus et confirmamus et ut eadem Capella sive Insula sit et ppetuis futuris
 “ temporibus erit et remaneat pars et parcella eiusdem eccl̃iæ parōalis, et omnibus
 “ privilegiis libertatibus et immunitatibus ut pars et parcella eiusdem eccl̃iæ
 “ gaudeat utique et frui possit concedimus indulgamus et confirmamus per p̃ntes
 “ *Proviso* semper quod tu præfatus vicecomes et heredes et successores tui
 “ inhabitantes domus mansionalis præd' non solum d̃cam Insulam sive Capellam
 “ quoties et quando aliquali reparaçone et emendatione indiguerit, propriis tuis

“*visq'* sumptibus decenter reparare et emendare teneamini verum etiam versus
 “reparaçonem aliosque usus necessarios ecclⁱæ par^oalis præd' præter et ultra
 “reparaçonem eiusdem Capellæ sive Insulæ toties quoties opus fuerit juxta ratam
 “sive taxaçonem vobis tⁱme imposit' et imponend' et juxta juris exigentiam cum
 “reliquis par^ois ib^m contribuere tenebimini sicut de jure astricti estis et antea
 “fuistis a cuius onore nolumus vos aliquatenus exonorare *In cuius rei*
 “*testimonium, &c.*

“vi Novembris MDCXXXVII.

“Sign: a W. SHERMAN Registrario et W. CANTUAR.

“Sigill: Archiep: WILLIMUS SHERMAN Reg'rarius.”

No opposition to this second attempt to erect a chapel at Adderley seems to have been offered by Sir John Corbet. He had, indeed, by his allegations in the Shavington Chapel appeal, cut the ground away from him on this point, as he then asserted that he had given his consent to the erection of the aisle, and had only objected to the attempt being made to dispense with his leave. At all events, the Chapel was peaceably erected, and was occupied by Lord Kilmorey for some years to come.

POSTSCRIPT TO CHAPTER XI.

CASE ABOUT THE CHAPEL AT ADDERLEY.

In the Muniments at Shavington is a case for the opinion of Counsel referred to above,* written in Lord Kilmorey's own handwriting. It is as follows:—

“Whether a parishioner of y^e best ranke in the parish that is destitute of a seate in y^e parishe church
 “for himsele wyfe and children may by virtue of the sole authoritie of y^e ld Bishopp of y^e diocesse erecte an
 “Ile uppon his owne coste and for his owne use to y^e bodye of the saide parishe Church without y^e consente
 “eyther of y^e patrone or y^e incumbent.

“And if it be lawfull soe to doe whether consequently he may not lawfully beate downe soe much of y^e
 “Walle of y^e bodye of y^e sayd Church as will be requisite to give passage and light for a doore and windowes
 “out of y^e Ile into y^e body of y^e sayde church.

“And what will be his safest course to take for y^e righting of him selfe and his servants & workmen if
 “hee or they shall chaunce to be interrupted in bringinge in y^e materialls into y^e Church yarde or in breakinge
 “of y^e soyle to lay the foundation or raise y^e structure of y^e sayde Ile eyther by y^e patron or Incumbent.

“And if by breakinge ye soyle for the laying of y^e foundation or for any other cause Eyther the Patrone
 “or Incumbent sewe me uppon an Action of trespas whether I am bounde to answere them at y^e common lawe
 “or else may bringe y^e business into y^e Ecclesiaticall Courts.

“To knowe what notice the Lord Bishop is to intimate of his pleasure (to give me leave to erecte an Ile)
 “to ye patrone Incumbent and ye rest whome it may concerne and what act or acts are necessarie for me to
 “require from y^e lord Bishop for my assurance of y^e use and possession of y^e sayde Ile, and whether it must
 “be consecrated or noe before it be putt to divine uses.”

Mr. Attorney Noye, Attorney-General to Charles I, replied to the first of these queries, and it will be seen that his opinion on that point obviated any further reply to the remaining questions, he being of opinion that

* See p 57.

Lord Kilmorrey had no right whatever to erect an aisle without the consent not only of the Bishop, patron, and incumbent, but even of the parishioners as well.

Mr. Noye's words are†:—

"No man of the pish [parish] of what condicon soer [soever] may buyde an Ile or demolysh pt of the church for y^e purpose w^out consent of the byshop and the patron and the incumbent and also of the pshioners [parishioners]."

"W. NOYE."

* Muniments of Shavington, § VIII, iii, v. 549.

CHAPTER XII.

THE TENURE OF SHAVINGTON.

[1635-1640.]

BEFORE the completion of the Kilmorey Chapel at Adderley Church, another dispute between the two neighbours had arisen. The present Viscount had hitherto been wonderfully successful in his disputes with Sir John Corbet, and the questions of Shavington Chapel, of the Right of Way, and of the Kilmorey Chapel, had all been disposed of in a manner satisfactory to the Viscount. The last trouble, however, did not present the same hopeful appearance.

This was none other than the old question of the tenure of Shavington. It will be remembered that the decree of 1610, which finally settled the question of the Stoke-upon-Tern and Adderley copyholds, was accepted by the old Viscount, with an ill grace, as unimpeachable. He had, it is true, some idea of appealing against the decree so far as regarded the tenure of Shavington, and went so far as to give notice of appeal, but no further steps were taken, and, after the opinion of Sir Humphry Davenport in 1625, the old lord no doubt finally abandoned all notion of disturbing the settlement.

The new Viscount, however, who entered into all these disputes with a fresh vigour, treated the rent difficulty with a masterly inactivity. He simply paid no rent at all. Whether he was aware of Sir Humphry Davenport's opinion it is impossible to say, though most probably he was, as he was wonderfully *au fait* with all the details; but at all events he ignored it, and left Sir John to take his own course.

The rent was allowed to go into arrear for three years, and then, in April, 1635, Sir John made an application, in the old suit in the Court of Wards and Liveries, for an attachment against Lord Kilmorey if the rent for

three years, and also a relief which Sir John claimed on Lord Kilmorey's succession, were not paid.

We find amongst the muniments an interesting document written by Lord Kilmorey on the 24th May, 1635, containing "Business for my wife in particular."

Amongst other directions to Lady Kilmorey, who was, presumably, making a journey to town, we find the following:—

"To make me a playne cloath suite and coate of y^e same cloth and colour
"that Harry Vernon's was of when he was last at Dutton.

"If there should be any motions of reference to this cause betwixt me and
"Sir J. Corbett to an arbitrary and freendly ende; I am utterly against it; for
"both my father and myself have been abused already sufficiently by him
"uppon tearms of pacification. But, if it be strongly insisted uppon by y^e higher
"powers, I will yeld to it upon noe other conditions than these followinge:

"First, Shenton to be held of Adderley but with an ignoramus of
"y^e services according to my office without payinge of any chiefe or
"appearance at his court Baron.

"Secondly, because I will not lessen his revenewes (though injuriously
"usurped) I will afforde him y^e whole rent for my two tenements in
"Adderley & pay y^e same relief for them that Sir J. C. demands both
"for Shenton and Adderley.

"To buy mee a beaver hatt and bande, a felt or hayre hatt.

"And y^e fashionablest Monmouth capp.*"

This memorandum shows how determined Lord Kilmorey was not to admit the claim of Sir John Corbet in respect of Shavington which had been established by the decree of 1610. Something, however, as Lady Kilmorey no doubt found out, was being done; for, on the 3rd June, Lord Kilmorey was ordered to show cause against the attachment, and, on the 17th, to pay the arrears of rent into Court. By the order made on the 17th June time was given to Sir John Corbet for pleading, he being at that time a prisoner in the Fleet prison.

The case dragged on for more than two years without any real progress having been made. In the Michaelmas Term of 13 Charles I [1637] Lord Kilmorey presented to the Court a petition which recited that:

"1. The decree created new tenures since the Statute of Tenures.

"2. The decree alleged rentals, &c. which did not exist.

"3. The defendant should answer on oath.

"The plaintiff acknowledges to hold of Adderley but of what service he
"knows not.

* Muniments of Shavington, § VIII, ii, 459.

“ He prays that the defendants should be interrogated on oath ;

“ That the rent may be ordered to be paid into Court ;

“ Or else that the defendant may be ordered (if the decree be reversed) to repay.

“ To bar the decree* being given in evidence.†”

This was followed by another petition in Hilary Term of 13 Charles I [1637-8], in which the plaintiff recites that:—

“ There was only one court roll produced in support of the claim, and that in the time of Sir R. Hill, by agreement with the plaintiff's father.

“ Prays that the defendant may take his remedy at law for his rents, &c., not giving in evidence the decree, and that until trial the execution of the decree as to payment of rent may be suspended.‡”

Hereupon, it was ordered, on the 6th February 1637[-8], that the defendant proceed to a trial at the next assizes, and on the 12th that the livery of the plaintiff and defendant be discontinued, thus putting an end to the suit in the Court of Wards and Liveries.

This ends the story so far as litigation goes, and leaves the decree of 1610 unimpeached. There is a memorandum amongst the muniments,§ which, after reciting the various decrees and judgments, continues, “ but it doth not appear amongst any of the papers that there was ever any triall at law or that Sir Jo. did ever shew cause why there should not be a tryall or why the payment of rent should not be stayed.”

And so the matter dropped, Sir John not obeying the directions of the Court to proceed to a trial. There is only one other reference to the rent at this period, and that a little later, when other circumstances had arisen to embitter the relations between Lord Kilmorey and Sir John Corbet more deeply than anything of which we have yet heard. This reference is contained in the following characteristic document, with the signature of the Viscount:—

“ This is to certifie; That Roger Rennalls, servant and Bayliffe with Sir John Corbett Baronett, came unto mee (at my manor house of Shavington a^{ts} Shenton situate wthin the countie of Salopp) the seaven and twentieth day of October A^o R. Caroli xvii|| and spake these wordes and noe more that is to say; ‘ My ‘ maister hath sent mee unto yo^r Lo^{pp} to demaund his cheefe rent’; whereunto ‘ I answered sayinge ‘ his cheefe rent; I knowe noe rent I owe him’; ‘ Is this yo^r ‘ ‘ answe?’ (replyed Rennalls) ‘ It is my answe;’ said I; ‘ God be wth yo^r Lo^{pp}’ said Reynnalls; ‘ fare you well’ said I; and theise are all the words that were spoken.

“ ROBERT KILLMOREY.¶”

Whether this indicates a merely passing spleen of the lord's, consequent on the events we are about to relate, we cannot say, nor do we know whether the rent

* Of 1610. † Muniments of Shavington, § VIII, ii, 471. ‡ Ibid., 472. § Ibid., 481.
|| 1641. ¶ Muniments of Shavington, § VIII, ii, 483.

again fell into arrear. Other disputes widened the breach between the families, and, very shortly afterwards, the breaking out of the Civil War put an end to all further disputes on minor matters for twenty years to come. When the Kilmoreys were again established at Shavington, the complexion of affairs had changed, and the abolition of feudal tenures by Charles II* had removed that part of the tenure of Shavington which was irksome to the family pride, and against which all their endeavours had since the decree of 1610 been directed: namely, the service of an eighth part of a knight's service and attendance at the Lord of the Manor's Court Baron to do homage. The rent of 12s. 6d. was not so great a grievance, and has been paid with more or less regularity to the present day.

POSTSCRIPT TO CHAPTER XII.

PROCEEDINGS IN THE SUIT OF KILMOREY V. CORBETT IN THE COURT OF WARDS AND LIVERIES.

[Preserved in Muniments. See Muniments of Shavington, § VIII. ii. 458-483]

<i>11 Car. I. [1635].</i>			
17 April		Order of attachment against Lord Kilmorey for non-payment of rent.	[460]
4 May		Order for defendant's answer to be read in Court.	[458]
24 May		Mem ^m of termes of Settlement.†	[459]
3 June		Order for Lord Kilmorey to show cause against attachment.	[461]
17 June		Order for time for defendant and for Lord Kilmorey to pay rent and arrears into Court.	[462]
<i>1635-6.</i>			
23 Jan.		Order for defendant to have liberty to go to law.	[475]
9 Feb.		Defendant's answer.	[See 471]
<i>1636.</i>			
23 May		Order for payment of rent without prejudice.	[463]
25 June		Order for defendant to answer upon oath.	[464]
6 July		Order for plaintiff to shew cause why def ^{'s} answer should not be admitted.	[465]
<i>1636-7.</i>			
11 Feb.		Order for bill and answer to be read in Court.	[466]
<i>1637.</i>			
28 Apr.		Order for bill and answer to be read and counsel heard.	[467]
4 May		Order for def ^{'s} plea to be read in Court.	[See 471]
19 June		Order for bill and answer to be read in Court on 22nd June.	[468]
28 June		Similar order for 2nd Thursday in Michaelmas Term.	[469]
17 Oct.		Order for bill and answer to be read on 6th November.	[470]
Michaelmas Term.		Petition of Plaintiff.‡	[471]
6 Nov.		Order for defendant to have liberty to go to law.	[475]
5 Dec.		Order for payment of rent without prejudice.	[476]
<i>1637-8.</i>			
Hilary Term.		Petition of Plaintiff.§	[472]
3 Feb.		Order for payment of rent out of Court to defendant.	[474]
6 Feb.		Order for defendant to proceed to a trial at the next assizes.	[475]
12 Feb.		Order that the livery of the plaintiff and defendant be discharged.	[473]
27 Oct.	<i>1641.</i>	Certificate by Lord Kilmorey of his refusal to pay rent.	[483]

* By Statute 12 Car. II, c. 24.

† See p. 66.

‡ See p. 66.

§ See p. 67.

|| See p. 67.

CHAPTER XIII.

THE SEIZURE OF KILMOREY CHAPEL.

[1641-2.]

FROM 1638 to 1642 the doors of the Temple of Janus were closed. With the confirmation of the Kilmorey Chapel there began a period of peace which lasted for nearly four years. All the various disputes between Lord Kilmorey and Sir John Corbet had in one fashion or another been settled, and the energies of the combatants were relaxed.

In one matter, however, on which Lord Kilmorey had been successful, it would appear that Sir John Corbet had been a little hardly dealt with. This was the building of the chapel adjoining Adderley Church. There is no question but that, in building that chapel in the first instance, Lord Kilmorey had infringed Sir John's rights as patron of the living. It is true that Sir John seems to have given his case away on this point; for, in the appeal in the Shavington Chapel suit, he alleged that he had given his consent to the erection of a chapel at Adderley. If this was, as it appears to have been, untrue, we cannot accord him much sympathy because his allegation was subsequently made use of to his detriment. If it was true, then the proceedings which we now relate were not only indecent but unjustifiable. No doubt the erection of the chapel was a thorn in the side of Sir John Corbet, but he managed to endure it for four years, when, most unexpectedly and suddenly, war was declared in a most trenchant fashion.

In March of the year 1642, Lady Corbet, who was the moving spirit in this disturbance, obtained possession of the key of the private door of the Kilmorey Chapel, which was kept by the parish clerk. On the 6th, being Sunday, she entered the chapel with her family and servants, took possession of Lord and Lady Kilmorey's seats, and occupied them throughout the service. Lord Kilmorey fortunately did not attend the church that morning, as service was still performed

in Shavington Chapel, and only heard of the seizure from his servants and tenants who had witnessed it.

The 30th of the same month was a day of General Humiliation. Lord and Lady Kilmorey had service at Shavington, and subsequently went between 12 and 1 o'clock to the parish church. Here they found that four serving men of Sir John's, "of very mean condition," had climbed the partition between the chapel and the body of the church, and sat in the seats usually occupied by Lord and Lady Kilmorey. The service was proceeding, and a psalm was being sung, so Lord Kilmorey entered the chapel and quietly told the men to leave. They made no reply, nor would they move from their position, so Lord Kilmorey, who no doubt thought it better to be well attended, sent in some of his people, with orders to remove the men as quietly as possible. As they were armed, and made a desperate resistance, this was impossible, and a terrible *mêlée* ensued, but eventually the men were, with great difficulty, dislodged, and the Kilmoreys occupied the pew to the close of the service.

On Saturday, the 2nd April, the churchwardens seem to have taken the matter into their own hands. One of the churchwardens and three servants of Sir John Corbet called upon the Rector and inquired whether he had said prayers the day before, and he said that he had. They said that it was not fit that there should be Divine Service held there until the church had been re-consecrated "pretending that there had been outrage and bloodshed therein."

On the next day, the 3rd of April, being the Sunday before Easter "on which day "the Blessed Sacrament of the Lord's Supper is usually celebrated in the said parish "church," a large number of people came to communicate. They were all met on the road by servants of Sir John Corbet, who were stationed at every approach to the church, and who informed them that, in consequence of the sacrilege and bloodshed, the church was closed, and that no service would be held until it had been re-consecrated.

In the night between the 29th and 30th of the same month, the churchwardens took a further step by removing the screen or partition between the chapel and the body of the church. This they placed at the lower end of the church in front of the belfry.

On the 8th May, being Sunday, about twenty men, armed with swords and staves, took possession of the chapel and approaches, and kept out the servants sent by Lord Kilmorey to take possession. They remained there until Lady Corbet came, who, with her family, seated herself in the chapel. The residue of the servants placed themselves in the passage between the church and the chapel, and kept out Lord Kilmorey's servants.

In the afternoon, Lady Corbet came with at least forty men, all armed, and kept out Lord Kilmorey's servants from the chapel and from their seats in the body of the church.

Such is the story as it is recorded by statements made at the time.*

As will be seen, the whole plot was planned by Lady Corbet, her husband, who was then a Member of Parliament, being presumably absent attending to his

* Muniments of Shavington, § VIII. v. 555-7.

parliamentary duties, as his name never occurs in the records of the affair. In these circumstances, Lord Kilmorey consulted counsel as to his rights, and obtained the opinions of Dr. Eden, Mr. Holborne, and Serjeant Rolle.

These opinions, which are given in the Postscript at the end of the chapter, will be seen to be generally against the possibility of Lord Kilmorey obtaining any redress, in consequence of the then recent curtailment of the jurisdiction of the Ecclesiastical Courts by Parliament, which, as Dr. Eden suggests, "will ere long be settled by Parliament in some other way."

Lord Kilmorey now turned for help to the Archbishop of Canterbury. He it was who had, in 1635 and 1637, assisted him in his project of building the chapel, first by his license to erect it, and then by his confirmation of it when complete. Accordingly, Lord Kilmorey prepared a statement of his grievance in the form of a petition to the Archbishop, and prayed his assistance to recover him possession of his chapel.

But here again he was foiled; the petition, if it ever reached the Archbishop, found him in the Tower, whither he had been sent in the March previous, just when the first invasion of the chapel was accomplished. Laud was never again in a position to help the Viscount. After a few years in durance he was beheaded. Meanwhile, the Civil Wars broke out and turned men's thoughts to other than petty struggles. Needless to say, the Corbets and Needhams found themselves in opposite camps, Sir John Corbet being a parliamentarian, whilst Lord Kilmorey was a devoted adherent of the King. Sir John's position as a member of Parliament, and consequently a privileged person, put an end to the possibility of any remedy being had by Lord Kilmorey for his wrongs during the lifetime of the Baronet. His death occurred in 1653, within six months of his great enemy and near neighbour; but other stirring incidents occurred before the close of the Viscount's life. These must be detailed in another chapter.

POSTSCRIPT TO CHAPTER XIII.

OPINIONS OF COUNSEL ON THE SEIZURE OF KILMOREY CHAPEL.

The following are the three cases submitted to Dr. Eden, Mr. Holborne, and Serjeant Rolle, with their opinions thereon* :—

I. First case for the opinion of Counsel.

1. Doe you conceive the archbps license wth the Kinge and Incumbente consent to b^e law^d authoritye for the building of the chappell y^e patrons consent being never had?
2. What co^t [court] is most pp [proper] for the Lo: Killmorye to seeke redresse for these greevants?
3. What co^{se} [course] may he take to quiet his possion [possession] in the chappell for the p^tsent?

II. Dr. Thomas Eden's Answer.

1. I am of opinlon the license of the Archbp granted in the time of his metropolitall visitation of y^t dioces is sufficient authoritie to build wth the consent of y^e incumbent such a chappell without the consent of the patron.

* See Muniments of Shavington, § VIII, v. 558-561.

2. The ecclicall [ecclesiastical] court of y^e dioces is most proper saving that by the late statute of this parliament the ecclicall judge is restrayned from his coercive power: w^{ch} (it is conceived) will ere long be settled by parliament in some other way.

3. I knowe no other course but by ecclicall court (when it so hath some power settled on it) unless it be by petitioning one of the houses of parliament.

III. *The Second Case.*

[In Lord Kilmorey's own handwriting.]

1. If ye ecclesiasticall court shall hereafter have the same power settled in it that formerlie it had (or some other equivalent thereunto) may not S^r J. Corbett, when I shall question him in y^e ecclesiasticall court remove y^e triall of my title to y^e chappell thence by way of prohibition to y^e common Lawe?

2. And if my title to y^e chappell must receyve its finall determination at y^e common Lawe; Then of what use or advantage can y^e archbishops license and confirmation for y^e sole and peculiar possession of y^e chappell to me and my posteritie prove to any of us?

3. Though I should not have y^e chappell is severaltie to myselfe and my familie; have not I that built it, as good (or a better) right to sitt there for my selfe, wyfe, children, and servants then eyther y^e patron of y^e parishe church or any of y^e parishioners?

4. What court is most propper for me to have them punished in that pulled downe y^e skreene?

5. Whether or no doth y^e priviledge of parliament extende soe far as to free all y^e servants of a member of y^e house of common y^e are his servants uppon yearely wages as well domestiques in y^e cuntrie as attendants on his personne at parliament fro beinge served w^{ch} processe into Courts of Judicature.

IV. *Mr. Holborne's opinion on the and Case.*

An answere to the 5 queōns [questions].

To the first.

1. I see noe ground for a phibition [prohibition] att y^e instance of Sir John Corbett for that though a man making a title att Lawe to a pewe as in divers cases may bring his phibition to stay a suite in the Court Ecclicall concernig the same yett I find noe ptence [pretence] here for Sir John Corbett though Patron.

To the second.

2. ffor the force of instrum^t itt will belong to the Court Ecclesiasticall more than the comōn lawe and I shall say but onely this that though I hold that the Lord Kilmorey hath noe legal Interest to this Isle; y^e yett notwithstanding the Act of the ordinary may bee of force for y^e liberty of sitting there; because it is regularly to y^e ordinary for avoiding confusion among y^e multitude that y^e power of disposing y^e pewes in all the church [belongs] saving the chancell w^{ch} solely belongs to the pson [parson] though the pson hath an equal right in the soyle of the whole.

To the third.

3. I conceive for ought here appeares that the Lord Kilmory hath at least an equal right with S^r John Corbett who cann clayme noe right of sitting as Patron.

To the fourth.

4. I conceive y^e y^e Lord Kilmory having noe interest he cañot sue any trespasse att y^e Comon Lawe for pulling downe the wainscotte by y^e power of y^e churchwardens who for the tyme have power in the alterations of the church.

To the fifth.

5. The pliamēt doth allow pviledge [privilege] in the case putt.

ROBERT HOLBORNE.

V. *Case and Opinion of Sergeant Rolle.*

[The Case in Lord Kilmorey's own handwriting.]

What is the best course for y^e Lord Killmorey to recover possession of his chappell againe, accordinge to his graunte thereof by the Archbishop of Canterbury?

My lorde, I think, may have an action upon the case for this disturbance against those that did it, but the Archbishopp's license gave no interest to my lord, but onelie hallowed the place, but the interest he hath is by the incumbent, whose freehold it is.

Whether by petition to y^e parliament his adversarie, Sir John Corbett, being Patron of y^e Parish Church of Adderlie & now a member of y^e house of Comons?

In this time of private businesses of pliam^t it will not be a fitt suit for that private Court.

Or by comēcinge a suite against him in y^e spirituall court?

That Court can give no apt reliefe in this case.

And if he doe so whether (when the jurisdiction of that Court shall be again established) may his adversarie remove it thence by way of prohibition to receyve its triall at y^e comon Lawe?

It is probable a p^thibition may be gr̄ted.

Whether may not y^e Lord Killmorey have remedie in y^e crowne office, or y^e King's Bench against those that pulled & cut downe his skreene and those that beinge armed with swordes & staves keepe his servants both out of the lately built Chappell & lykewise out of their auntient seates in y^e bodie of y^e sayde Church?

An informaçon for this riott may be p^tferred in the Crowne office of y^e king's bench.

27 May, 1642: HEN. ROLLE.

CHAPTER XIV.

THE SEQUESTRATION.

[1642—1649].

LORD KILMOREY had, as we have seen, married secondly, Eleanor, daughter of Thomas Dutton, of Dutton, in Cheshire, and widow of Gilbert, Lord Gerard. She had Dutton for life, and hither Lord Kilmorey retired at the outbreak of the Civil War. Shavington was not a desirable residence at that time. Not to speak of the near neighbourhood of Sir John Corbet, who was then, as a Parliament Man, all powerful, the neighbouring towns of Nantwich, Drayton, and Whitchurch were garrisoned by troops, which, in turn, devastated the surrounding country. Amongst the Shropshire compounders was Jonathan Woodnal, of Shavington, who is entered for £400; but whether he was a tenant of the Hall, or a farmer on the Estate, does not appear.

The various documents which relate to the Civil Wars have reference rather to the County of Chester than to Shropshire, and it is as an inhabitant of the former county that Lord Kilmorey figures in the orders and documents of the time.

We find him taking a leading part in organisation on behalf of the King in the early days of the War. In 1644, we find his name appearing foremost in a commission from Prince Rupert,* addressed to:—

“ Robert, Viscount Kilmorey, Robert, Viscount Cholmondeley, and to the
“ High Sheriffe of the Countie of Chester, to the High Sheriffe of the Countie
“ of Fflint, to the Governor or Liveten^t Governor of the Citty of Chester,
“ to the Maior of the Citty of Chester, to the Governor of the Towne &

* See Postscript I. to this Chapter.

"Castle of Denbigh, to Sir Ffrancis Gannell, Baronett, Collonel of a
"Regiment of foote in the Citty of Chester, to S^r Richard Lloyd, Kt.,
"Attorney Generall of Wales and the Marches, to John Marrow, Esq^r Collonel
"of a Regiment of Horse, to Kendricke Eaton, Esq^r, his Mai^r Clarke of Crowne
"in the Countie of Denbigh."

This commission directed those named to control the raising and equipment of troops, &c., in the County of Chester and the neighbourhood. In this occupation Lord Kilmorey was busily engaged until the capitulation of Oxford in 1646.

Under the circumstances, it is not to be wondered at that Lord Kilmorey was amongst the delinquents whose estates were sequestered. The sequestration was carried out in the most methodical manner. In each county, committees were formed to take possession of the estates of delinquents in the name of the Commonwealth. It was, however, part of the Articles signed on the capitulation of Oxford, that such persons should be permitted to compound for their estates, by the payment of a lump sum to "the Committee for compounding with the delinquents." Accordingly, on the 12th August, 1646, we find Lord Kilmorey entering his name as a compounder with the Committee, whose headquarters were at the Goldsmiths' Hall, London.

It was also a part of the Articles of Oxford, that the rents of the estates of compounders should remain in the hands of the tenants, to be accounted for by them to the compounders, when the latter had settled the terms of their agreements for composition. As, however, the local sequestration committees seem to have been very officious and active in carrying out their duties, it was ordered by the House of Commons on the 3rd November, that, on the request of compounders, letters should be sent by the central committee to the local committees, to direct them to refrain from intermeddling with the estates of such compounders. Accordingly, on the 5th, we find a letter to the Chester committee, at the request of Lord Kilmorey, directing them "to suspend the receiving and intermeddling with the rents profits or
"revenues arising out of the estate of the s^d Right Hoble. the Lord Viscount
"Killmorrey from the 12th day of August, at which time he first entered his
"name as a compounder."*

The local committee, in their turn, issued an order on the 27th to their agents for sequestration in similar terms. The composition payable by Lord Kilmorey was assessed at £3,560. So large a sum could only be raised by his Lordship by a mortgage of his estates, and this introduces us to the first record of a mortgage on Shavington. On the Viscount's first marriage, in 1607, the estates had been settled by his father on himself for life, with remainder to the Viscount (then Robert Needham) for life, with remainder to his sons in tail male, with remainder to Thomas Needham, brother of Sir Robert Needham, the

* This and the other documents dealing with the sequestration are printed *in extenso* in Postscript II. to this Chapter.

settlor. It was, therefore, impossible for the Viscount to raise the money himself, without the concurrence of the remaindermen. These were his son Robert by his first wife, and his sons Charles and Thomas by his second wife, and the ultimate remainderman was Sir Robert Needham, son of his uncle Thomas. Of these, Thomas was under age, but the others joined in a fine of the estates, by which they were assured to Mr. Richard Whitmore, as security for £1,300, and a mortgage for that amount was completed on the 14th April, 1647. Two days afterwards we find a receipt for £1,180 paid to Richard Waring and Michael Herring, the Treasurers of the Committee at Goldsmiths' Hall, on account of the composition.

On the 22nd April, an order from the Committee recites that Lord Kilmorey has paid a moiety of his fine, and secured the remainder. It was therefore ordered that all proceedings upon the sequestration of any estates compounded for should be forborne; but that, if any estates had not been compounded for, they should forthwith be sequestered. There was, however, a proviso that Lord Kilmorey should, within six weeks, sue forth a pardon under the Great Seal.

On the 13th September, 1648, "Jo. Leech," clerk of the Committee, certified that "Robert, Lord Viscount Cholmondley, Robert, Lord Viscount Kilmurrey, and "Thomas Cholmondley, of Vale Royall in the co: of Chester, Esquire, had been "admitted to their compositions upon the Articles of Oxford."

On the 24th October, in the same year, there is an interesting letter from Mr. John Shawe, Lord Kilmorey's agent in London, to Lord Kilmorey, reporting progress as to the sequestration, from which it appears that there was a prospect of the re-sequestration of the estates of those who had not paid up the second moiety of their compositions. The letter is to the following effect:—

"I have been to treasurer at Goldsmiths Hall & asked for time.

"I have advised concerning money taken by sequestration since you' Ldp
"entred y' name as a Compounder & it is conceived that Goldsmiths Hall will
"give y' Lp no relief therein, but y' comitte for compl^m uppon breach of
"articles is y' proper place for redresse where I intend to prefer a petition the
"next day they shall sitt.

"*Quietus est* for y' discharge for the Irish subsidy graunted 15 Car: is
"ready but wants Sir Henry Brook's hand, who is master of the office & not
"yet come to town. When it is finished I shall not fail to acquaint y'
"under-sheriffe of Salop therewith w^{ch} will put a stop to his proceedings.
"Yesterday, Mr. Howse tould mee that Orders of Re-sequestration would goe
"into severall counties by this poste with list (fixed to every order) of y' names
"of such persons as are to be sequestred hee hath promised mee to leave
"forth your Lpps name unlesse hee be spetially required to putt it downe

"& hath appointed mee to come unto him at 8 of y^e clocke this eveninge
"at w^{ch} tyme hee will satisfy mee further.

"I did read over y^e order whereby it appeares that y^e parties named to be
"sequested shall have fourteene dayes after notice to pay in these second
"payments or proceed to sue forth their pardones, &c.

* * *

"Mr. Nedham & myselfe have stayed here in Cheapsyde where Mr. Howse
"appointed to come to us ever since 8^e of y^e clocke & it's now tenn &
"wee heare nothings from him."*

Lord Kilmorey, however, appears to have continued paying his compositions by instalments, as we find receipts for £500 on the 19th October, 1648, and for £300 on the 30th November, and finally, on the 31st May, 1649, just four months after the King's death, Lord Kilmorey was finally discharged from the sequestration.

POSTSCRIPTS TO CHAPTER XIV.

POSTSCRIPT I.—PRINCE RUPERT'S COMMISSION.

"Prince Rupert Count Palatyne of the Rhyne Duke of Bavaria Knight of the Most Noble Order of the Garter and Generall under his Ma^{ty} of all his Mat^{ties} forces of Horse.

"To Robert Viscount Kilmorey Robert Viscount Cholmondeley and to the High Sheriffe of the Countie of Chester to the High Sheriffe of the Countie of Flint to the Governor or liveten^t Governor of the City of Chester to the Maior of the City of Chester to the Governor of the Towne & Castle of Denbigh to Sir P^rancis Gannell Baronett Collonel of a Regiment of foote in the City of Chester to S^r Richard Lloyd Kt. Attorney Generall of Wales and the Marches to John Marrow Esq^r Collonel of a Regiment of Horse to Kendricke Eaton Esq^r his Mat^{ties} Clarke of Crowne in the countie of Denbigh.

"By the authoritie & power given to me by our Sovereigne Lord King Charles by his lres patents under the great seale of England as Captaine Generall under his Ma^{ty} of all his Ma^{ty} forces in the counties of Worcester Salop Hereford Gloucester Chester & Lancaster and the Principality of Wales and in pursuance of his Ma^{ty} direc^tions and Instruc^tions in that behalfe I doe by this my commission constitute ordaine appoint and authorize yo^r or any four of yo^r (whereof the Sheriffe of the countie of Chester Robert Viscount Kilmorey Robert Viscount Cholmondeley the Governor or Livetenant Governor of the City of Chester or the king's attorney of the Marches of Wales for the time being to be one) w^{thin} the countie of Chester and the counties of Denbigh and Flint to order and manage his Mat^{ties} affaires w^{ch} either concerne the raysing horse and foote or concerneing the raysing or making provisions of money victuall or apparrell to pay feed and apparrell souldyers w^{thin} the said counties and concerneing the p^roviding of ordinance musketts powder match and other ammunicⁿ & materials for the same and all other habiliments of warr w^{thin} the last men^tioned counties and places giving hereby further power & authority to yo^r or any four of yo^r (whereof the Sheriffe of the com of Chester Robert Viscount Kilmorey Robert Viscount Cholmondeley the Governor or Liveten^t Governor of Chester or his Ma^{ty} Attorney of the Marches of Wales to be one) by all such wayes & meanes as to yo^r in yo^r care of his Ma^{ty} service shalbe thought meete and necessary to consult act and p^rforme all such actes matters and thinges w^{thin} the said counties as in certaine instruc^tions signed wth his Ma^{ty} Signe Manuell and bearing date the fifth daye of February in the nyneteenth year of his Ma^{ty} raigne are conteyned whereby power is granted to mee concerning the same And in all other matters touchyng his Ma^{ty} service w^{thin} the sd Counties of Chester Denbigh &

* Muniments of Shavington, § VIII. vi. 577.

"Ffint I doe hereby give full power and authority unto yo^a or any four of yo^a (whereof the high Sheriffe of
 "Chester Robert Viscount Kilmorey Robert Viscount Cholmondeley the Governor or Liveten¹ Governor of **Chester**
 "or his Ma^{ty} Attorney Generall of the Marches of Wales to be one) to doe execute and p^rforme all and every
 "Act or Actes that may be done by my authority according to Such Instruccions as yo^a shall att any tyme and
 "from tyme to tyme receive from mee under my hand and Seale ab¹ armes and these are further to will &
 "require all Sheriffes maiors Bayliffes Com^{rs} of Array Justices of the Peace and other his Ma^{ty} officers and
 "ministers & all Governors and Commanders of any garrisons or forces wthin the said counties to obey such
 "orders & processes as in my name or the names of any four of yo^a (whereof the high Sheriffe of the Countie of
 "Chester Robert Viscount Kilmorey Robert Viscount Cholmondeley the Gov^rnor or Liveten¹ Gov^rnor of Chester or the
 "King's Attorney Generall afforesaid to be one) shalbe issued and put forth by vertue of this comission. Given
 "the three & twentieth day of May in the twentieth yeare of the Raigne of o^r Sovereigne King Charles

"RUPERT."

POSTSCRIPT II.—THE PROCEEDINGS IN THE SEQUESTRATION.

The following documents are in the Shavington Muniment Room.*

I.

Goldsmiths Hall,
 London.

At the Committee for
 Compoundinge with Delinquents
 5 Nov. 1646.

Whereas by y^e Articles upon y^e Surrender of Oxford It is agreed that all the p^rfits and revenues
 arising out of the Estate of the p^{er}sons w^{ch} are to compound wthin these articles after y^e daye of
 entring their names as Compounders sh^d remaine in the hands of the tenants or occupiers to be
 answered to the Compounders when they have perfected their agreements in their compositions And
 by an order of the hon^{ble} house of Com^{ons} of the third of this instant November It is directed that
 upon the p^{er}ticular desire of such persons letters be sent by this Committee to the respive Committees
 in the Country to suspend the receiving and intermeddling with the same from the time af^sd
 Therefore upon the humble desire of the Right Ho^{ble} Lord Viscount Killmorrey who is comprised
 wthin the articles of Oxford and did enter his name as a Compounder upon the 12th day of August
 last past Wee hereby require you accordingly to suspend the receiving & intermeddling with the
 rents p^rofits or revenues arising out of the estate of the s^d right Hoble the Lord Viscount Killmorrey
 from the s^d 12th day of August, at which time he first entered his name as a Compounder And
 the tenants are hereby likewise required notwithstanding any present clause herein mentoned to
 detayne all rents & p^rfits in their hands untill they shall receive further order from this Committee.

To the Committee of Parliam^t & sequestrators for
 the co: of Chester & to all others whome it
 may concern in the co: and city of Chester or
 elsewhere.

JOHN ASHE
 D. WATKINS
 FRAN. ALLEIN
 SAM MOYER
 CH. PACKE.

JEROM. ALEXANDER
 JO. LEECH

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II.

Att y^e Committee. Nov y^e 27th, 1648

Accordinge to a lre^t from y^e Committee at Goldsmiths Hall of the fift^e of this instant November
 directed to this Committee a Coppie whereof is hereunto Annexed Attested wth the Clerk's hand of
 this Committee It is Ordered y^t the Agents for Sequestra^{con} shall suspend the Receivinge or
 intermeddling with the Rents p^rofits & Revenues arising out of the Estate of the Right ho^{ble} the
 Lord Viscounte Kilmurry from the twelfte day of August last Att w^{ch} tyme hee first entred his

* See Muniments of Shavington § VIII. v. 567-582.

† Letter.

‡ 5th.

name as a Compounder And the Tennants are hereby Required to detain all Rents and profits in their hands untill they shall Receive further Order from this Committee according to y^e Ire or order aforesaid.

Intr.

E. WALL

J. BRADSHAWE
JOHN STARKIE
RI. HAWORTH
T. FLOTOWERDO

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III.

Received by us Richard Waring and Michael Herring Treasurers of the Monies to be paid into Goldsmiths Hall of the Lorde Viscount Killmorey the summe of *Eleven hundred and eighty pounds in money besides six hundred pounds the one half of Twelve hundred pounds to be settled for the Estates of Wrenbury and Newall all being the one halfe and first payment of £3560* imposed on him by the Lords and Commons as a fine for his Delinquency to the Parliament. We say Received this 16th day of Aprill 1647 in parte.

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RICH. WARINGE,
MICHAEL HERRING.

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IV.

Goldsmiths' Hall,
London.

By the Commissioners for Compounding
wth Delinquents, 22 April 1647.

Whereas the right hon^{ble} Robert Lord Viscount Killmorey hath submitted to a fine imposed on him for his Delinquency according to the Rules and p^{ro}portions* sett and confirmed by both houses of Parliam^t And hath paid one moyety of his said fine into the Treasury of this Committee and secured the remaynder These are therefore by virtue of the late Ordinance of Parliam^t of the sixt day of february last to order and require all Committees, Sequestrators Collectors and other officers and persons whatsoever whome the same may concerne to forbear all p^{ro}ceedings† upon the Sequestra^{ti}on of the Estate reall and p^{er}sonal of the said Robert Lord Viscount Killmorey Compounded for according to a p^{ar}ticular‡ delivered under his hand (a Coppy whereof is herewith sent you) But if there shalbe any further Estate discovered not men^{ti}oned in the said p^{ar}ticular the same is to be sequestred untill it shall be Compounded for And you are also to p^{er}mitt§ and suffer the said Robert Lord Viscount Killmorey to receive and enjoy all the rents and p^{ro}fits of the Estate men^{ti}oned in the s^d p^{ar}ticular due and payable since the Twelwe day of August at which tyme he entred his name as a Compounder according to the Articles agreed upon the Surrender of Oxford in as full and ample manner as the said Robert Lord Viscount Killmorey hath heretofore enjoyed the same Provided allways that the said Robert Lord Viscount Killmorey doe sue forth p^{ar}don|| under the great seale within six weekes after his composi^{ti}on shalbe allowed of by both Houses of Parliam^t

To the Committee and Sequestrators for y^e county of the City of Chester and to the Committee of the County of Chester And all others whome it may concerne.

WARWICK.
NATH. BARNARDISTON.
ROBERT JENNER.

HEN: DARLEY. THO: HATCHER.
D. WATKINS. FFRAN. ALLEIN.
JO: LEECH.

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V.

Goldsmiths Hall,
London.

Die Mercurii 13 Septembris, 1648.

These are to certifie All whome it may concerne that the Right Honble Lord Viscount Cholmondley, Robert Lord Viscount Kilmurray and Thomas Cholmondley of Vale Royall in the co: of Chester Esq^r

* Proportions. † Proceedings. ‡ Particular. § Permit. || Pardon.

Have been admitted to their compositions upon the Articles of Oxford they being comprised within the s^d Articles And have payd and secured the fines imposed on them for their delinquencies by the Comittee for Composicions according to the Rules pscribed that Comittee.

JO: LEECH, cler: pdict: com:

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VI.

9 Nov. 1648.

Letter referring to some property of

Lord Cholmondeley,
Lord Kilmorey, and
Mr. Minshall

for which they are supposed not to have compounded.

Com^m think they have compounded & desire no further prosecution agst any of them.

[signed] y^e verie lovinge friendes

To our worthy
friendes Mr. Tho:
Malton Mr. Tho:
Harwar & Mr.
Robert Wilkes.

STAMFORD
JOHN ASHE
RICHARD BAYTEMAN
ANTHONIE IRBY
ROBERT JENNER
SAM MAYER
JOHN OLDFIELD

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VII.

Goldsmiths Hall,
London.

By the Com^m for Compounding
wth delinq^{ts}

31^o Die May Anno D^m 1649

Whereas by a late Act of Parliam^t of y^e nyneth of Aprill last this Comittee or any five of them are authorized to discharge the Estates of any such Delinq^{ts} who having had fines sett upon them by this Comittee shall satisfye the whole sune soe imposed wth discharge is by the said Act declared to be effectual and whereas the Right Hon^{ble} Robert Lord Viscount Kilmorey hath accordingly satisfied the whole fine wth was imposed on him & hath applyed himself to the Comittee for a full discharge thereupon It is therefore Ordered that the sequestration of the said Robert Viscount Kilmorey his estate according to the perticuler and value hereof formerly returned from this Comittee wth his lre of suspencion shalbe from henceforth cleerly freed & discharged from sequestracon and the said Viscount Kilmorey soe admitted to the possession thereof & to receave and enioy all the Rents & profitts of the same And to dispose of it or any part thereof as freely & fully as att any tyme before the sequestracon hee might or could have donne And that hee bee noe further troubled molested or proceeded against in the way of sequestracon for any delinquency charged upon him for any thing said or donne in relacon to the first warr ag^t the parliam^t unless the said Viscount Kilmorey have bin since ingaged in the latter warr & have incurred a re-sequestration by any such act or ingagm^t And hereof all Comittees Sequestrators Collectors & other officers whatsoever are to take notice & observe the same & yield obedience hereunto (Notwithstanding the said Viscount Kilmorey shall not produce a pardon in forme or any perticuler Ordinance or act for his discharge) as they will answere the contrary at their perills.

WILLIAM COUZON
JOHN ASHE
CHS. PACKE
SAM MOYER
RICHARD VENNAR

To the Comittee & Sequestrators
for y^e county of Chester & all others
whome it may concerne.

D. WATKINS.

JO: LEECH

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CHAPTER XV.

THE IMPRISONMENT.

[1649—1653.]

THE execution of Charles does not appear to have strengthened the hands of the Government, or at all events to have quieted their alarms, for it was followed by renewed measures against conspirators and the correspondents of the young Charles. On September 25, 1649, about eight months after the King's death, we find the Parliament authorizing the Council of State to appoint persons in the several counties for preserving the peace of the Commonwealth and the preventing of tumults. Accordingly, we find John Bradshawe, as President of the Council, appointing himself, Peter Warburton, one of the Justices of the Common Pleas, Sir George Booth, Bart., Sir William Brereton, Bart., Humphrey Mackworth, Chamberlain of Chester, Sir Henry Delves, Colonel Robert Duckenfield, Thomas Stanley, Thomas Mainwaring, Peter Brooke, Colonel Henry Brooke, Thomas Marburie, Colonel John Legh, John Owen, Roger Wilbraham, Peter Dutton, Henry Birkenhead, Henry Bradshaw, Junr., John Wettinhall, Colonel Thomas Croxton, Jonathan Bruen, Henry Greene, Peter Holford and ——— Lockett, to put these instructions into execution in the county of Chester. Their orders were, briefly, as follows:—

1. To meet monthly.
2. To subscribe the engagement to be faithful to the Commonwealth.
3. To obtain information, by taking informations and examinations on oath, of all words or acts against the peace of the Commonwealth.
4. To disarm and secure or commit "all papists and other ill affected persons" or correspondents of "Charles Stuart, sonne of the late King or of any other "nation or person tending to the disturbance of this present government."
- 5 & 6. To enquire as to horses and arms for, and to arrange for musters of, troops of militia.*

The first evidence of the activity of these gentlemen appears in a requisition made

* This and other documents relating to the Imprisonment are printed in the Postscript to this chapter.

on the 8th January, 1650-1, for £10 towards a troop of militia, and, on the day following, Lord Kilmorey paid, and obtained a receipt for, this amount.

The commissioners had, however, not been idle, and, during the year 1650, had been apparently collecting information against such of their neighbours as were suspected of loyalist leanings.

The result of their inquiries, so far as the county of Cheshire was concerned, was embodied in a letter signed by John Bradshawe, President of the Council of State, and dated March 13, 1650,* directing the seizure of the property of the following persons; "Col' John Booth, Jeffrey Shakerley, Lord Killmorey, Mr. Edwin Morgell, Mr. Venables, "eldest son to the Baron of Kind'ton, Col' Daniell, eldest sonne to Mr. Daniell, of "Darsbury, & Lieut' Col' Carrington." This order was forthwith despatched to the Commissioners for Sequestration in the county of Chester, and reached them on the 17th of March.

So ready were the commissioners to obey this order, that, on the very same night on which they received it, they hurried to Dutton and arrested Lord Kilmorey, whom they conveyed, a prisoner, to Chester. They likewise seized all his estates.

Lord Kilmorey immediately appealed against these proceedings; against the seizure of his estates to the commissioners for compounding in London, and against his arrest to Bradshawe, the President of the Council of State.

The order for seizure of Lord Kilmorey's estates, it will be observed, had come from the Council of State, and not, in the regular course, from the commissioners for compounding. They, no doubt scenting an infringement of their rights, at once, on the 14th of May, remonstrated with the Chester commissioners, and directed them to do nothing further without an order from themselves. The Chester commissioners replied on the 29th of May, explaining that they had felt bound to comply with the order of the Council of State, but would do nothing further without an order from the Superior Commission.

Meanwhile, the petition to Bradshawe had been duly presented, setting forth the Viscount's arrest, his innocence, his age, and the danger of the Plague at Chester. In May, 1651, he was examined by Judge Fell, and then learnt that he had been arrested on the charge of holding correspondence with the Earl of Derby, who, having been proscribed, had retreated to the Isle of Man, as a convenient quarter whence to correspond with his tenants and the loyalists of the North-West.

Lord Kilmorey was examined as to his correspondence with the Earl, and we find a very careful minute of his examination in his own writing, bearing date 22 May, 1651.† This document explains that, in August of 1649, two of his daughters had, by leave of General Fairfax, taken the Isle of Man on their way home from France, and had for six months been the guests of the Earl of Derby. Previously to that date, Lord Kilmorey had had no communication with the Earl since 1644, the date of his retreat to

* 1651 New Style.

† The document bears date 1641, but this is an obvious slip of the pen for 1651.

the Island, but, subsequently to the visit of his daughters, he had written three letters to the Earl of thanks for his great hospitality and kindness. He had, in these letters, "purposely declyned y^e relation of any thing y^e could have reference to the affaires of "this comon wealth." He winds up with a careful reservation that he "can acknollege "nothing for his owne letter but what he seeth attested under his owne hande; though "he conceyveth so much as Judge Fell readd unto him out of a certaine paper to be, "for so much, a true copie thereof."

The use of a document against a prisoner in the manner alluded to in this concluding paragraph, is very suggestive of the mode of procedure in these quasi-judicial investigations, which were not calculated to inspire the unfortunate prisoners with any great hope of an impartial investigation.

However, nothing serious was forthcoming against the Viscount, and accordingly, on the 6th of June, he was notified that, on giving substantial security to appear when called upon, he might be released from custody and the sequestration of his estates discharged. The bail was fixed at himself in £4,000 and two sureties in £2,000 each.

Lord Kilmorey found sureties in Mr. Henry Birkenhed, (one of the Chester commissioners for sequestrations) and Mr. William Bennet, and he, on the 13th June, entered into his bond for £4,000 and they for £2,000 each, that he should "appear "when called upon before the Counsell of State, and meanwhile do nothing to the "prejudice of Parliament or the present Government."

Next day, he obtained a certificate of discharge from imprisonment, by order of the Council of State, from Colonel Robert Duckenfield, and a free passage to Dutton, and on the same day, an order from Robert Hyde, Marshall, to Captain Lathom, to deliver up possession of his horse and arms. He also obtained an order for the restitution of three horses that had been requisitioned by Lieutenant Griffith.

On the 18th, he received the formal certificate of the discharge of his estates from sequestration from the Chester commissioners.

With regard to his horses he had some further trouble, for it appeared that Lieutenant Griffith had acted without proper authorisation, and accordingly, on the 12th July, the head-constable of Cheshire directed the constables to ascertain what requisitions Lieutenant Griffith had been making without orders. Lord Kilmorey gave the particulars so far as concerned himself, and subsequently sent his agent, Mr. Shaw, with an authority to Lieutenant Griffith to deliver up the horses.

Lord Kilmorey had at last come to the end of his series of troubles, and seems to have settled down for the remainder of his life at Dutton. The various fines, sequestrations, and other payments had, to a certain extent, crippled his income, and he accordingly made arrangements for the payment of his debts on his death. This he did by a re-settlement of the estates, made on the 28th of December, 1652, by which he and his son Robert granted the family estates, subject to the Viscount's

life interest, to Henry Vernon* of Hodnet, Roger Owen† of Condover, Randle Egerton‡ of Betley, Richard Screven,§ Peter Leycester|| of Nether Tabley, John Booth of Woodford, W^m. Owen of Stretton, Ralphe Starkey, and Ralphe Morhall, for terms of 31 years and 99 years, upon trust to pay his debts, and jointures, and younger children's portions. Subject to these terms, the estates were settled on Robert, the eldest son, and his sons, in tail male, with remainder to Charles and his sons, in tail male, and then to Thomas and his sons, in tail male.¶ In the following September,** Lord Kilmorey died at a good old age, and was succeeded by his eldest son, Robert, as third Viscount.

For the purpose of perfecting his father's arrangements, the third Viscount subsequently suffered fines of his estates, and, by deed of 26th June, 1654, declared that the uses of the fines were those declared to the settlement of 1652.††

POSTSCRIPT TO CHAPTER XV.

DOCUMENTS RELATING TO THE IMPRISONMENT OF LORD KILMOREY AND THE SECOND SEIZURE OF HIS ESTATES.

The following documents are preserved at Shavington.‡‡

I.

APPOINTMENT OF THE CHESTER COMMISSION.

[25 Sept. 1649.]
Cheshire.

In pursuance of an order of Parliament dated 25 September 1649 authorizing the Counsell of State to give power and instructions to suche persons within the severall and particular counties in England and Wales as they shall thinke fitt, for preserving the peace of the Comon Wealth and preventing of all tumults Insurrections and Invasions, wee have resolved upon theise instructions following and have nominated and appointed John Bradshawe, Lo: President of the Counsell of State, Peter Warburton, one of the justices of the Comon Pleas, Sir George Booth Kt. and Barr^t Sir William Brereton, Barr^t, Humphrey Mackworth, Esq., Vice-chamberlain of Chester S^r Henry Delves Col^l Robert Duckenfield Thomas Stanley Thomas Mainwaringe Peter Brooke Col^l Henry Brooke Thomas Marburie Col^l John Leigh John Owen Roger Wilbraham Peter Dutton Henry Birkenhead Henry Bradshaw junr. John Wettinhall Esq^r Col^l Thomas Croxton Jonathan Bruen Henry Greene Peter Holford Esq^r ——— Luckett Esq^r to putt the same instructions in execution.

Imprimis, you or the maior parte of you shall meete the first Tuesday in every month in some convenient place within yo^r respective Counties Cities and Townes and oftener if need shall require in yo^r severall limits, &c.

2. And you and every of you before yo^a act upon theise instructions hereafter followinge are to subscribe the late Engagement appointed by the Parliament to be true and faithfull to the comonwealth as it is nowe established wthout a king or house of Lords in the presence of anie three of you: and then anie two of you are to cause the said engagement to be subscribed by such Collonels and Liveten^t Colonels and Maiors (whose names yo^a are speedely to returne to this Counsell) and by the Captaines and other officers as shalbe thought fitt to be intrusted wth armes and upon recomendacon of the Officers to the Counsell of State they are to have

* Son of Lady Mary Vernon, sister of the first Viscount. † Married Alice, daughter of Elianor, Viscountess Kilmorey.
‡ Married Penelope Needham, daughter of second Viscount. § Married Susanna Needham, daughter of second Viscount.
|| The celebrated historian of Chester. He married Elizabeth, daughter of Elianor, Lady Kilmorey, by her first husband, Gilbert, Lord Gerard.
¶ See Muniments of Shavington, § V, i. 162. ** 1653. †† See Muniments of Shavington, § V, i. 164.
‡‡ See Muniments, § VIII, v., 583-599 inc.

commissions if the Counsell shall approve of them. And they beinge soe commissioned you or anie three of you may grant commissions to their inferior officers who are to recomend them you and you are to approve of them.

3. You or anie three of you are to informe yourselves of all conspiracies and practices of secrett meetings of disaffected persons and from tyme to tyme anie of you that are in the comission of the peace are to take informacons and examinacons upon oath in writeing as yo^a shall see cause whether expressed by words or actions spoken printed written or published wheresoever against the peace and wellfaire of the comonwealth, by securing and dispersinge or committing the parties whom you finde to be espetially active and dangerous and to use any other lawfull wayes and meanes for the dispersing or securing of them as you shall see cause.

4. You or any three of you are authorized and required to disarm secure or comit all papists and other ill affected persons that have of late appeared in their words or actions against this present parliament or agst the government thereby established: or shall hould correspondency with Charles Stuart the sonne of the late kinge or wth any other person or nation tending to the disturbance or altering of this present government or in raising any tumults and insurrections: and for yo^r fuller and better dyrections therein you are hereby referred to the severall articles orders and declaracons made agst persons and offenders herewth printed and sent you w^{ch} you are to cause to be putt in full and effectuall execution.

5. You shall informe yourselves what horse and armes are in your respective Counties Cities Townes &c. and in whose hands how and where charged formerly and are to cause suche horse and armes and all other horse and armes fitt for service in yo^r respective Counties Cities &c to be putt into y^e handes of well affected persons: and fitt for warr, uppon all ocasioness of muster and service: and then to traine and muster them in severall troopes and companies, and form them into Regiments from tyme to tyme as any three of you shall see cause: and to resist kill and slay all such as shall invade this comonwealth or make or raise any insurrection or rebellion wthin the same: and shall calle to yo^r assistance such persons as you shall think fitting, that are trusted, with the militia, to be ayding and helpfull to you in carryinge on of the worke: and shall from tyme to tyme keepe correspondency, as occasion shalbe, wth the cheife comandars of the Parliament's forces in yo^r respective Counties Cities or Townes &c. or in the Counties Cities or Townes, adiacent and shall act further as you shall from tyme to tyme receive orders from the Parliament or Counsell of State settled by their authority.

6. As to yo^r dyrecons how to charge the persons or estates wth horse and foote and in what manner to pay them when they are in actuall service and for enioyning those that are charged what orders to observe, together wth other perticulers necessarie for y^e perfectinge of this work, they are at this present under serious consideracons: and as soone as they shalbe pfected you shall have them sent to yo^a; but, in the meantyme, wee desire all thinges preparing hereunto and conducing to the safety of yo^r countie according to the instrucons now sent yo^a may be carefully attended unto by you.

Signed in the name and by order of the Counsell of State appointed by the authority of Pliam^t

JO: BRADSHAWE, P'sident. [583.]

II.

RECEIPT FOR LEVY.

9 Jan: 1650. [1651 N.S.]

By virtue of a letter of the 8th of January, 1650, dyrected to the Lord Killmorey from Livetennant Colonell John Brooke of Norton for the Levyinge of a ffine of Tenn poundes imposed on him by the Comissioners for settlinge the militia in the countie of Chester; I doe acknowledge hereby that the tenn poundes aforesaid is accordingly received the ninthe day of January 1650 by mee.

Witnesses hereof

THOMAS LEWIS

THO: DOD

JOHN SHAWE

JOHN BURROUGHES,

Marshall to the

Regiment aforesaid.

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III.

ORDER FROM THE COUNCIL OF STATE.

13 March, 1650. [1651 N.S.]

You are forthwith upon receipt hereof to seize inventory and secure the Estates of the persons und^r named being such against whom informacons is given to this Counsell to have held correspondences with Traytors and enemies to the Parliam^t on behalfe of Charles Stuart sonne to the late King contrary to the Acts of Parliam^t in

that behalfe & of your dooinges herein you are to make retorne to us for yo^r further directtōns in poynt of evidence touchinge sequesteringe of the said parties According to the Parliam^t directtōns in such cases Hereof you are not to fayle as you will answere the contrary Given at the Counsell of State at White hall this 13th day of March 1650.

COLL JOHN BOOTH
JEFFREY SHAKERLEY
LORD KILLMOREY
MR. EDWARD MORGELL
MR. VENABLES (eldest
Son to the Baron of Kind'ton) }
COLL DANIELL (eldest Sonne to
Mr. Daniell of Darsbury) }
& LIEUT. COLL CARRINGTON.

Signed in the name & by ord^r of the Counsell of State
appointed by authority of Parliam^t

JO: BRADSHAWE, President.

To the Com^{rs} for Seq^{ts} within the
County of Chester.

Copia Ex^r
J. BAYLY.

The originall order whereof the above is a true cōpy came
to us y^e Com^{rs} aforesaid the 17th of March 1650 at night
& was immediately observed by

HENRY COOKSON,
JOHN ROBINSON,
WILLIAM BARRETT.

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IV.

LETTER FROM THE COMMISSIONERS FOR COMPOUNDING IN LONDON TO THE CHESTER COMMISSIONERS.

[14 May, 1651.]

By the Commissioners for Compounding, &c. 14 May, 1651.

Uppon the petition of Robert Viscount Killmorey a coppie whereof is hereunto annexed and attested by o^r Reg^r It is ordered that it be referred to y^e Com^{rs} for Sequestrations in the Countie of Chester to prove & examine the matter of y^e said petiçon and forthwth Certifie unto us what they knowe or uppon enquiry shall fynd touching the same.

And if y^e said com^{rs} have not sequestred but onely seised & secured the said Estate then the same to remayne onely secured & not to be disposed of untill further order from us.

EDW: WINSLOW, RIC: MOORES, JO: BERNERS, WM: MOLINS.

Int^r 118 Ex^r, J: BAYLY.

*To the hob^{ls} the Com^{rs} for Compoundinge
The humble petiçon of Robert, Viscount Killmorey.*

Sheweth

That yo^r petiçoner haveinge adheared to y^e late Kinges partie in the first Warr did petiçon yo^r hono^r pdecesso^r to compound, and being admitted, paid in his whole fine, and had his discharge, and since hathe not at all acted against the Parliam^t or Comon-wealth yet notwthstandinge yo^r petiçoners persone beinge under restraint for some late supposed Cryme ag^t y^e State yo^r Com^{rs} for sequestraçon in the Citie & Countie of Chester where his Estate lyeth have not onelie seised & secured his whole Estate therefore but are readie to putt the same to Sale or otherwise to dispose thereof wthout anie warrant or Speciall dyreçtōns from yo^r hono^r to y^e Ruine of yo^r petiçoner his wife and children. Yo^r Petiçoner therefore humbly prayes That till some new Act of delinquencie be proved ag^t yo^r petiçoner whereof hee may be convicted yo^r hono^r will be pleased to order yo^r Com^{rs} onely to seize & secure & not to sequester or dispose of yo^r petiçoner's Estate but that hee givinge good securitie to be Answerable for y^e profittes thereof uppon heareinge of his cause hee in y^e meantyme may enioy his Estate for y^e support of himselfe his wife and children, and hee shall ever pray, &c.

Copia vera Ex^r

Exam. J. BAYLY.

ROBT. KILLMOREY.

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V.

REPLY THERETO.

[29 May, 1651.]

May it please yo^r hono^r

By ours of the 21st of May instant we certified you of our receipt of your severall orders in the cases of Robert, Viscount Killmorey & Jeffrey Shakerley, Esq^{rs} & therein returned you answere And since have received another

ord^r of yours of the 13th of May instant in the case of Thomas Venables sonne of the Baron of Kinderton concerninge whom we humbly certify that by ord^r from the Counsell of State (a copy whereof for yo^r better satisfacc^{on} we have here inclosed sent you) we seized inventoried & secured his estate consistinge only of goods as alsoe others estates in the said ord^r menconed And untill further ord^r from our pceedinges we neither doe nor intend to act further against them Truly we cannot but apprehend the untruth they alleadg in theire petitions to be meere aspersions of us and to suggest what we have done by order of the Counsell of State [is] unlawfull and uniuist, wherein we humbly conceive that notwithstandinge we act under you, yet ought not to have disobeyed the order from the Counsell of State which we conceive might come soe suddain that the Counsell could not timely transmitt the same to you for you to give ord^r to us therein And for these that soe Asperse us they are bent to cast out matter to raise divisions amongst those that are faithfull in heart and service to the Parliam^t and what-ever they p^tend for themselves we are confident they hate the Parliam^t and if they had opportunity would ruine the Parliam^t and in them you & us & all the faithfull in this nation, we hope you will believe them accordingly since they are better principled to speake untruths than truths, but we hope to approve ourselves true men and

Yo^r hono^r faithfull servants

Knotsford

29^o May 1651.

Copia vera Ex^r
J. BAYLY.

HENRY COOKSON,
THO: ROBINSON,
WILL: BARRETT.

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VI.

LORD KILMOREY'S PETITION TO THE LORD PRESIDENT.

[May, 1651.]

To the Right Hon^{ble} John Bradshawe, Lord President, & to the rest of the Counsell of State.

Sheweth

That yo^r peti^oner was brought to Chester from his house att Dutton uppon the seventeenth day of Marche last in the condi^oon of a prisoner where hee hath since continued under restraint but is not conscio^{us} to himself of beinge anie way guiltie of actinge plottinge consideringe or beinge moved to cons^{ent} to anie thinge w^{ch} might tend to y^e disturbance of y^e present Governm^t or to the preiudice of the State havinge ever since y^e makinge of his composi^oon w^{ch} the Parliam^t w^{ch} is now above four years agoⁿ lived constantly & peaceably at home.

May it therefore please yo^r hono^r in regard of his old age and the dangers now imminent of continuinge in this place, where the Plauge is newly broke forth, to give Order for his liberty And that he may enioy his estate as formerly accordinge to his composi^oon w^{ch} uppon his committm^t was secured.

And yo^r petitioner will pray

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VII.

LORD KILMOREY'S MINUTES OF HIS EXAMINATION.

[In his own handwriting].

[22 May, 1651.]

This Examinant being interrogated concerning what intercourse he had helde of late by way of letters with y^e Earle of Derby affirmed that till y^e beginning of August 1649 (when by Generall Fairfax his passe two of y^e said examinant's daughters had leave to take y^e Isle of Man in their way into France) from y^e tyme of y^e Earle of Derby's retraite into y^e sayd isle, w^{ch} was about 1644, this examinant never receyved letter or message from him or sent any to him, & since y^e sayd month of August 1649 this examinant confesseth y^t he hath wrott severall letters to y^e Earle of Derby, only to expresse his gratitude to the said Earle & his lady for their extraordinary civilities & hospitable entertainment (for at least six months) of this examinant's daughters there; w^{ch} this examinant conceyved he might doe wthout offence both because y^e sayd Earle was not then looked on as an enimie to y^e State, and lykewise for that this examinant in all y^e three letters y^t he wrott to y^e Earle of Derby purposely declyned y^e relation of any thing y^t could have reference to y^e affaires of this Comonwealth: witness his last letter to y^e sayd Earle committed to y^e convoy of Birkened betwixt Michelmas & November last.

This examinant can acknollege nothing for his owne letter but what he seeth attested under his owne hande; though he conceyveh, so much as iudge Fell readd unto him out of a certaine paper, to be for so much, a true copie thereof

ROBERT KILLMOREY.

May 22, 1641.*

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* An error for 1651.

VIII.

LORD KILMOREY'S DISCHARGE FROM IMPRISONMENT.

[14 June, 1651.]

Accordinge to an Order of the Counsell of State bearinge date the third day of this Instant June These are to Certifie all those whom it may concerne that Robert Lord Viscount Killmorrey is hereby discharged from his present Imprisonment (hee havinge given Security wth sufficient sureties according to the dyrec^{ts}ions of the said order. And All Officers and Souldiers and all others whome it may concerne are hereby required quyetly & peaceably to permitt & suffer the said Robert Lord Viscount Killmorey to pass to Dutton in this Countie of Chester & to negotiate his affaires where his ocasioness require wthout Interruption or molestation he actinge nothinge p^rjudiciall to the Parliam^t or this p^rsent Governm^t. Dated at Chester the xiiii day of June, 1651.

To all Officers & Soldiers and to All
others whom it may concerne.

ROBT DUCKENFIELD. [593]

IX.

ORDER FOR RESTITUTION OF ARMS TO LORD KILMOREY.

[14 June, 1651.]

Captaine Lathom; My Lord Killmorey beinge discharged from his imprisonment by Order from the Counsell of State Whereby it is required that restitu^{ti}on be made of such horse and armes as were taken from him when he was secured a prisoner By dyrec^{ts}ions from the Gov^r I am hereby to signifie unto yo^a that yo^a are not to faile forthwth to restore the Armes left in yo^r handes by Corporall Byron unto my Lord or to whom hee shall appoint for the receivinge thereof & for soe doinge this shall be yo^r warrant.

I remayne yo^r verie lovinge freindChester, 14th June 1651.

ROBT HYDE, Marshall. [593]

X.

ORDER FOR RESTITUTION OF HORSES TO LORD KILMOREY.

[14 June 1651.]

Honored Sir,

My Lord Killmorrey haveinge given Security accordinge to the Order of the Counsell of State and yo^r dyrec^{ts}ions thereuppon & hee further acquainting mee that 3 of his horses w^{ch} were seized uppon when he was secured a prisoner were disposed of by Captaine Griffith in the Countie Troope: restitu^{ti}on whereof he desired accordinge to the Order of the Counsell of State; moved mee by theise few lines to offer to yo^r considera^{ti}on that yo^a would please to favo^r him wth a lyne or two to Captaine Griffith for the restoreinge his horses againe And for such Armes as were at the same tyme taken from my Lord I have alreadie given dyrec^{ts}ions that returne thereof be made accordinge to y^e Order.

Chester, 14 Junii,
1651.

S^r, I remayneYo^r most humb^{le} serv^t

ROBT. HYDE.

[Endorsed] ffor the honored Colonell
Robert Duckenfield at
Duckenfield, Theise

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XI.

ORDER FOR DISCHARGE OF LORD KILMOREY'S ESTATE FROM SEQUESTRATION.

[18 June, 1651]

Chester.

By the Com^{rs} for sequestra^{ti}ons within
the County of Chester & County of the
Cittie of Chester, 18th Junii, 1651.

According to Order from the Right hon^{ble} the Counsell of State of the third day of June instant These are to Certify all whome it may concerne that the Estate of the hon^{ble} Robert Lord Killmorrey within the County of Chester & Cittie of Chester is discharged from sequestra^{ti}on & hee at liberty to have & receive the pfts thereof to his owne use.

HENRY COOKSON,
THO: ROBINSON,
WILLIAM BARRETT. [595]

XII.

RETURN TO REQUISITION OF HEAD CONSTABLE OF LT. GRIFFITH'S WRONGFUL LEVY.

Theise are to certifie all whom it may concerne that Livetenn^t John Griffith hath received from my Lord Killmorey one horse and armes in keynd & three poundes tenn shillinges for one monthes pay; Threescore poundes in money in lieu of three horses & armes & tenn poundes tenn shillinges for one monthes pay And one gelding & two mares more well worth fiteene poundes a peece.

To the Constables of Dutton.

fforasmuch as complaint hath been made to the Com^m of this Countie that Livetenn^t John Griffith hath recd money horse and armes for y^e compleatinge of his Troope & hath not given an Accompt for all y^e same: Theise are therefore to require you forthwth uppon rec^t hereof to give notice to all & every the Inhabitants wthin yo^r townshippes that have paid or delivered either money horse or armes or byn otherwise contributorie to him that yo^a & they appeare before y^e com^m at Great Budworth uppon Thursday the 17th of this instant July wth a true certificate of yo^r & theire proceeding &c. in this pticular herein faile not at yo^r prlles.*

Dated July 12th 1651:

JO: BARKER,

head constable.

Vra copia taken y^e

14th July, 1651.

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* Perils.

CHAPTER XVI.

THE COMMONWEALTH AND RESTORATION.

[1654—1668.]

OF ROBERT, third Viscount Kilmorey, we know but little; all the information we have about him being in connection with a single transaction. This, however, was of so peculiar a nature that it throws a considerable light upon his life. He was probably born about 1608, as his parents were married in 1607, and his mother did not long survive. He was about forty-five years of age, therefore, when he succeeded to the title and estates. Under the Settlement made by his father he did not take actual possession of the property, which was vested in trustees for the purpose of clearing off the debts incurred during the Civil Wars. Subject to this, he was entitled to the estates in tail. He had married Frances, daughter of Gilbert, Lord Gerard, and of his own step-mother, but had no issue. In 1654, however, we find him surrendering his interest in the estates in favour of his half-brother, Charles. As the Dowager Lady Kilmorey, who was both his step-mother and mother-in-law, was a party to the transfer of the property from him to her own son, Charles, this might have indicated a desire on her part to see her own child in possession, had the circumstances been otherwise; but as Robert was Viscount, and his son, if he had one, must succeed to the title, it is obvious that he would never have been allowed by the trustees, who were parties to the business, to divest himself of his rights were it not clear to them that he could never have a child. Lady Kilmorey's hand may rather be recognised in the care which provided that the transfer was made on condition that Charles should marry with the consent of herself and the majority of the trustees, with a view, no doubt, to his making a suitable match. On the 5th August, 1654, the various deeds carrying out this arrangement were executed. At the same time, the existing mortgage of £1,300 was transferred to Sir Thomas Abdy, who also lent a further sum of £700, probably to make a pecuniary provision for Robert during his life.

The marriage of Charles was arranged at the date of these transactions, or soon after, as it took place six months later. His bride was Bridgett, daughter and

heiress of Sir William Drury, of Drury House,* London, and Beesthorpe, co: Norfolk. This lady brought a considerable fortune to the Needham family. The marriage took place in February, 1654,† and, in the following September, Lord Kilmorey completed his surrender of the family estates, which were, on the 10th September, 1655, re-settled in favour of Charles and his children. This deed was entered into by the Dowager Lady Kilmorey, the Viscount, Charles and his brother Thomas, and Sir Robert Needham and his son Robert, the remaindermen. The trustees of the estates were also parties. This deed specially charged the late lord's debts on Cranage, leaving Shavington free for Charles. The estates were disentailed, and fines levied, with a view to formally carrying out the surrender. The surrender took place in fact as well as on paper, for we subsequently find Charles granting leases and generally exercising his rights as owner of the property.

Lord Kilmorey did not long survive these events. In January, 1657, he signed a deed of gift of all his personalty to his half-brothers Charles and Thomas; and a few weeks later he died, being succeeded in the title by Charles. A little later, the mortgage for £2,000 was transferred to John Hanson and Roger Jackson, trustees of Sir Charles Herbert, who advanced a further sum of £1,500. This was effected on the 24th May, 1659. In the same year, the estates were again seized by the Sequestration Committee. The particulars of Charles's delinquency do not appear, and were probably never investigated, for, before any formal inquiry was held, the work of the sequestrators had ceased for ever.

Meanwhile, on the 11th November, the mortgagees addressed a petition to the Commissioners for Sequestrations, who now met in Haberdashers' Hall, setting forth the particulars of their mortgage and praying that the amount should be provided for. It was accordingly referred to Mr. Farwell to report on the petitioners' deeds, and copies of the petition were ordered to be sent to the Commissioners of Cheshire and Shropshire in order that they might "certifie what they know or can discover on the behalfe of "the Comonwealth in barr, to the clayme and title of the petio^r.†" [petitioners.]

Before these gentlemen could execute their commission, the tables had been turned. Lord Kilmorey received a letter from his agent in London, dated 24th December, 1659,

* Drury House occupied the site of the present Drury Lane Theatre.

† 1655 New Style.

‡ The following is the text of the communication: [see Muniments of Shavington, § VIII. 599.]

Friday the 11th of November, 1659.

By the Comissioners for sequestracons appointed
by Act of Parliament August 27th, 1659.

Upon reading the Petiçon of John Hanson Esq^r & Roger Jackson gent Trustees for S^r Charles Herbert praying y^e allowance of their title to the mannor of Shavington in the County of Salop & the mannor of Cranage in the County of Chester wth other Lands to the said mannors belonging seized or sequestred by the Severall comissioners for sequestracons in the said Countyes for the Delinquency of the now Lord Viscount Kilmorey It is ordered that it be referred to M^r ffarwell of Counsell for the Comon Wealth attending this Comittee to state petio^r Deeds & evidences touching their said title and to make report thereof unto us And that a copie of the said petiçon be sent to the severall Comissioners of Cheshire & Shropshire to the end they may certifie what they know or can discover on the behalfe of the Comon Wealth in barr to the clayme & title of the petio^r.

JOHN BREWSTER.

RIC: MOORE.

WILL^m MOLINS.

JOHN BROWNE.

which informed him of the then state of affairs there.* After some business details, the writer proceeds: "It is probable that the Rump will keep their Xmas in the Parliament and take their old seats before the delivery of this letter.†

" Fleetwood‡ refused to join the city, who would have made good their declaration. " He sent the Keys of the Parliament door, which is now open. The house is being " made clean. Some say he will meet Sir Arthur|| and the triumphant parliamentary " forces with all due submission. The soldiers here follow the mode of those at " Portsmouth. There is great lamentation at Wallingford House§ by the Committee " of Safety now disbanded, and no less at Whitehall by Lady Lambert and her dependants " and relations. What effect this turning of the weathercock will have in the north " is very doubtful. The City will be obliged to comply, and perhaps to suffer for " showing their teeth. The Tower is forsaken by Desborough¶ and, they say, re-delivered " to the Parliamentary officer. Mr. Smith is still at Lambeth, a prisoner. Your " brother E. was this morning ordered to come nearer to Sir James to lodge. Many " officers, they said, are gone to Lambert, whose interest, it is thought, is to fight Monk " speedily lest his common soldiers should forsake him.

" Later, 5 o'clock. It is said in the City that Fleetwood has submitted to the " Speaker, and confessed that Vane** and Salway†† brought him to countenance " Lambert in the disturbance of the Parliament. In the Exchange it was said that the " Rump would sit this day, and that it was now sitting, but now there are contrary " reports. Most men are confident that the Rump will be very merciful and obliging."

In February, Monk entered London, and was appointed Generalissimo of the forces by the Rump, which was dissolved the same month. May saw the return of Charles II. Meanwhile, the Earl of Derby had returned to Cheshire, and took the head of affairs there as Lord Lieutenant of the County. In the MS. account of the proceedings of these times, which was preserved at Shavington,‡‡ is the following minute:—

" In January, 1660§§ Com: Cestr. A note of the prisoners seised by Capt. " Needham||| and Sir Phillip Egerton, and sent to Chester Castle by way of

* Muniments of Shavington, § VIII, xv., 766.

† The first entry in Pepys' Diary is made on the 1st January 1659-60, a week after the date of this letter. He sums up the position of affairs at that date as follows:—" The condition of the State was thus, viz: The " Rump, after being disturbed by My Lord Lambert, was lately returned to sit again. The officers of the Army " all forced to yield. Lawson lies still in the river, and Monk is with his army in Scotland. Only my Lord Lambert " is not yet come into the Parliament, nor is it expected that he will, without being forced to it. The new Common " Council of the City do speak very high; & had sent to Monk their sword-bearer to acquaint him with their desires " for a free and full parliament, which is at present the desires and the hopes & the expectations of all."

‡ Charles Fleetwood, son-in-law to Oliver Cromwell. He was suspected of espousing Charles II's cause, but did not act with resolution.

|| Sir Arthur Haslerigge, Colonel of a regiment in the Parliament Army.

§ Now the Admiralty. The Committee of Safety met there during the Commonwealth.

¶ Major General John Desborough, Cromwell's brother-in-law.

** Sir Henry Vane, who was expelled the House on the 9th January following. *Pepys' Diary*. sub. date.

†† Major Salway. "Salloway was voted out likewise and sent to the Tower, during the pleasure of the House." *Pepys*. sub. date 17th January.

‡‡ See Appendix IV.

§§ 1661, N.S.

||| Thomas Needham, brother to Charles, Viscount Kilmorey.

“prevention in the late insurrecon of the Anabaptists at London, by the
“command of my Lord Lieutenant :

“Colonell Duckinfield*
“Colonell Bradshaw
“Captain Grantham
“W^m Barrett, sequestratour
“Lieutenant Smith
“Lieutenant Bancrofte
“Richard Brooke }
“Francis Stanfield } Quakers
“Colonell Croxton
“Captain Ben Croxton, released by us.
“Ensign Bostocke
“Corporal Plungeon
“Captain Carter
“Captaine Leadbetter, released by us.
“Thomas Robinson de Northwich, sequestratour.
“Peter Venables de Lostock Graham, released by us.
“Captain Touchett
“Ambrose Price
“John Arden
“Browne at Utkinton

“Two men at Waterham who vowed not to wash their faces until Lambert
“was released.

“Ralph Poole had a parole at Northwich, January 18th till Monday following,
“then to goe to Chester.

“Mr. John Smith, sometye minister of Bartomley, the like order with Poole.

“The rest that were not released by us (except the Quakers) were all released
“by my lord of Derby, Feb. 1^o, 1660,† giveinge security & takeinge the oath
“of allegiance.” (p. 40).

The form of security is given in the same book (p. 38):—

“January 18, 1660. Recognisance taken for certain prisoners seised by the
“troopers of the County, and released by us, takeinge the oath of allegiance.

“The condicion of this recognisance is such that if the above bounde John
“Lowndes shall not from henceforth acte, plott, or contrive any thing prejudiciall to
“the Kinge’s majesty, or to the peace of the Kingdome, or concert to or conceale

* This was a turning of the tables, as it was he who had been Lord Kilmorey’s gaoler at Chester.

† 1661 New Style.

"any plott or design against the present Government, but shall, from tyme to tyme,
 "discover all plotts or designes against the same which shall come to his knowledge,
 "& shall appeare before the Lord Lieutenant or Deputy Lieutenants of the said
 "County when he shall be thereunto required, then this recognisance to be void, or
 "else to remayne in full power and force in the lawe.

"CORAM THOMA' CHOLMONDELEY, ar: Vice-Comite Cestr' et

"PETRO LEYCESTR' Bar' apud Northwich, Jan. 18, 1660."*

During all these busy times, Lord Kilmorey was probably at his wife's place, Beesthorpe. He did not long survive the Restoration, as he died in 1660-1. He was succeeded by his son Robert, then a minor, six years of age.

Meanwhile, Captain Thomas Needham seems to have represented the family in Cheshire, where he was actively engaged, probably residing at the family seat at Cranage. The following is a copy of a letter received by him from the Deputy Lieutenants:—

"Sir, we have lately receaved speciall commaund and direccion from the Lords of
 "His Majestie's Privy Councill to see that the Militia of this County bee in readiness
 "for His Majestie's Service. Wherefore these are to authorize you forthwith to
 "summon your foote Company to appeare before you and to muster and trayne
 "them for the space of three dayes together, in such place within your hundred
 "as you conceive most convenient, they bringinge with them the usuall and
 "accustomed pay for 3 dayes muster. Lettinge all knowe that whosoever shall fail
 "to appeare, or not bringe with them their armes fixed and ready for service are
 "to be punished according to the lawe in that case provided. And, as we expecte
 "from you an accounte of all such as shall neglecte or offend herein, soe wee
 "desire and require that you bee very vigilant & observant of all such as any
 "wayes shall manifest any dislike of His Majesty or the Government established
 "and thereof also inform

"Your assured friends,

"August 30th,
 "1661.

"THOS. CHOLMONDELEY,
 "P. LEYCESTER."

Further, we find an "order to Sir Phillipp Egerton & Capt. Thomas Nedham
 "for the raysinge of the horse of this County, and to bringe 4 dayes pay, at
 "Torporley, Nov. 23, 1661."

In the same month is an order dated, at Northwich, November 27, 1661, to

* 1661 New Style.

the same persons "for the seisinge of armes found in possession of any disaffected
" person, and also for the securinge of

" Colonell Croxton
" Captain Crosby
" Captain Pike
" Both the Cockaines
" Meakin of Namptwich
" Gleave

" Stealefox of High Leigh
" Richard Whitacres
" Ambrose Price
" Capt. Ridge of Chester
" Captaine Carter.

" Signed by R. CHOLMONDELEY,
" THO. CHOLMONDELEY,
" P. LEYCESTER,
" H. BROOKE,
" THO. MARBURY,
" HEN. LEIGH."

" At Chester, Dec. 3, 1661." (p. 45).

It was also "agreed that Sir Richard Grosvenor keepe correspondence with the
" neighbour Countyes of Wales.

" That my Lord Cholmondeley, Sir George Warburton, Sir Robert Cotton, and
" Mr. Cholmondeley doe the like for Staffordshire & Shropshire.

" That Sir Peter Leycester & Henry Leigh doe the like for Lancashire.

" That Coll. Thos. Leigh do the like for Derbyshire." (p. 46).

The fear of disturbances is exemplified by the following order made in the next year :—

" By virtue of an order from the Privy Councill, a warrant is granted out the
" same day for watch and ward, and to disarme such persons as travell with unusuall
" armes, and at unseasonable howres, and to apprehend such as cannot give satisfaction
" and good accompt of themselves and their affeccion to His Majesty & his Government,
" and to bringe them before some Justice of the Peace or Deputy Lieutenant.

" by P. LEYCESTER, } for Bucklowe
" Ordered at Knotsford, Feb. 18, 1662.*" (p. 57). " HEN. LEIGH, } Hundred.

A further order, appears dated "August the 29th, 1665, at Northwich.

" An order from the Deputy Lieutenants for the seisinge of Captaine Carter,
" Gilbert Gerrard of Crewood, Ben. Croxton of Middlewich, Robert Pike of Frodsham,
" Peter Venables, Israell Leycester, William Barrett of Ringey, Hugh Crosby of
" Winnington, Hugh Gandy of Whitley, and W^m Gandy of Whitley. Directed to
" Captaine Nedham, under the hands and seales of

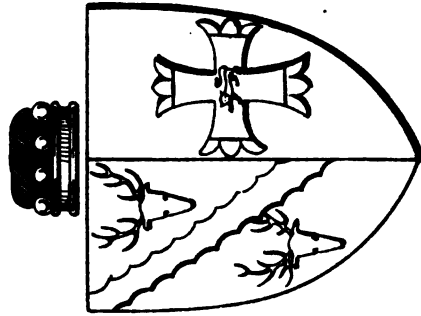
" RICHD. BROOKE, PETER LEYCESTER, PE. BROOKE,
" THO. MARBURY, HEN. LEIGH." (p. 78).

" A speciall order sent from the Duke of Albemarle to Sir Jeffery Shackerly

“for the securing of Coll. Croxton, and to search his papers, which was done by
“his deputy, Sandy Rigby, in the absence of Sir Jeffery, but because Croxton was
“very infirme and strucke with a palsey, only a guard sett upon his house, and a
“letter sent by Mr. Rigby to the Duke of Albemarle to show his condition, which
“was attested by the Deputy Lieutenants.”

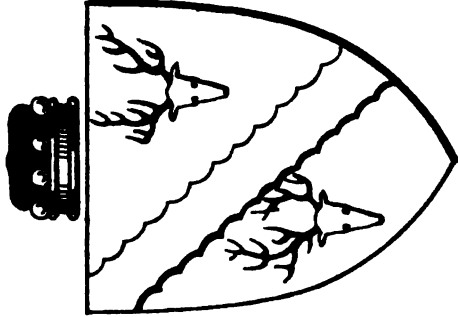
Of those seized, Ben. Croxton, Gilbert Gerrard, Robert Pike, and Captain Carter were confined in Chester Castle, but the rest discharged on giving security.

ARMS OF
ROBERT,
7TH VISCOUNT KILMOREY.



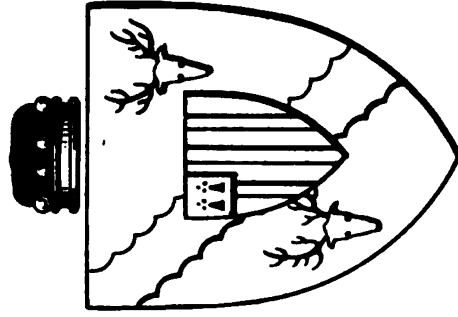
[IMPALING OFFLEY.]
See Page 108.]

ARMS OF
ROBERT,
8TH VISCOUNT KILMOREY.



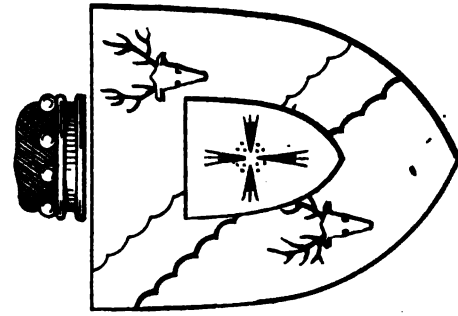
See Page 111.]

ARMS OF
THOMAS,
9TH VISCOUNT KILMOREY.



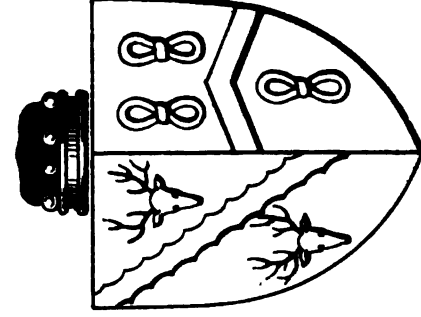
[CHARGED WITH SHIRLEY.]
See Page 111.]

ARMS OF
JOHN,
10TH VISCOUNT KILMOREY.



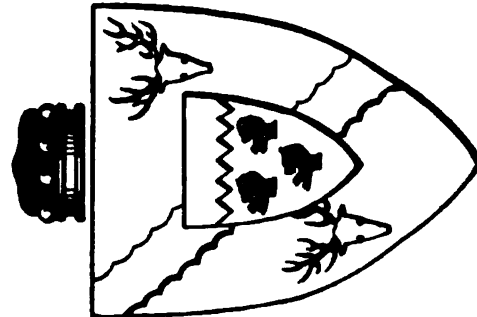
[CHARGED WITH HURLESTONE.]
See Page 115.]

ARMS OF
ROBERT,
11TH VISCOUNT KILMOREY.



[IMPALING COTTON.]
See Page 116.]

ARMS OF
FRANCIS,
12TH VISCOUNT KILMOREY.



[CHARGED WITH FISHER.]
See Page 118.]

CHAPTER XVII.

THE PUBLIC LIFE OF THOMAS, SIXTH VISCOUNT KILMOREY.

[1668—1687.]

ROBERT, FIFTH VISCOUNT KILMOREY, did not live to attain his majority. He resided at Beesthorpe, where he died on the 29th of May, 1668, at the early age of thirteen.* During his lifetime, the trustees were

* The following inscription was copied from a tablet in Beesthorpe Church :—

Memoriæ
Prænobilis Domini
ROBERTI NEDHAM,
vicecomitis de Kilmorray
Carolo vicecomite (in utrumque Carolum Britanniarum
Monarchas temporibus Monarchomachis fidelissimo
Ac Brigetta Vicecomitissa superstite
(Gulielmi Drury equitis Aurati dominæque Mariæ filiâ)
prognati
Eximiâ tam virtute quam eruditione nobilitatem
Geminantis
proceritate, venustate, pulchritudine
Ostenti,
Amoris publici ferreo seculo
Magnetis
Ingenio præcoci maturæ vitæ spem
Frustrantis
Anno Domini MDCLXVIII, ætatis XIII^o, maii XXIX^o :
Sole comite et exemplo, ut alibi luceret
Occidentis ;
Anastasin paschalis diem, qui anno hujus
Obitus conscio defuit, æternitate pensaturam
præstolantis,
Hoc monumentum dicavit Ava
Quotidie visitatura
Dum jacet hic tumulo, manet hæc tumulata dolorè.

able to pay off the mortgage on the family estates, which they did on the 20th of April, 1662.

Robert was succeeded by his brother Thomas as sixth Viscount. Thomas was born in September, 1658, so that he was ten years old when he succeeded, and did not attain his majority until 1679. By that time, the estates had been put in order, and a considerable accumulation of cash was no doubt handed over by the trustees to the Viscount on his coming of age. In December, 1679, he married Miss Frances Leveson, daughter and heiress of Mr. Francis Leveson-Fowler, of Harnage Grange. A Settlement, dated 4th December, 1679, was executed on the marriage, of which Sir Robert Leycester, Richard Scriven, Charles Mainwaring, Richard Legh, Thomas Cholmondeley, and Francis Cholmondeley, were trustees, and by it the Viscount settled the estates on himself for life, with remainder to his sons in tail male, subject to a jointure of £130 a year charged on Tittenley in favour of his wife. Miss Leveson brought a dowry of £4,000.

Meanwhile, Shavington had been practically deserted by the Kilmoreys for forty years; and the new Viscount at once turned his attention to matters connected with that estate. It will be remembered that the energy of the second Viscount had secured the successful issue of most of the disputes with the Corbett family. One of these difficulties had, in the meantime, been laid at rest for ever. This was the question of the tenure of Shavington. The decree of 1610 had been accepted by all parties as final, except so far as the actual tenure of the manor of Shavington was concerned. The first Viscount had objected to holding of the Lord of the Manor of Adderley by the eighth part of a knight's service and attendance at his Court Baron, and it is possible that the decree on this point might have been appealed against. But, with the abolition of feudal tenures by Charles II. (by the statute 12 Car. II., cap 24), this grievance had been removed.

There remained, therefore, only the question of the Kilmorey Chapel at Adderley. This had been seized by Lady Corbett in 1642, and the Kilmoreys had not since had an opportunity of vindicating their rights. Sir John Corbett was a Member of Parliament, and consequently a privileged person, so no action could be taken against him; and, at his death, Shavington was vested in trustees for payment of debts. Charles, Viscount Kilmorey, was a delinquent. Then followed the minorities of the Viscounts Robert and Thomas, and the coming of age of the latter was the first opportunity that occurred for testing the question.

Thomas proceeded, therefore, to take the opinion of the Attorney-General (Creswell Levine) as to his rights. The opinion, which is printed *in extenso* below,* was adverse to Lord Kilmorey's claim, and the matter seems to have been dropped for the time being.

Until the completion of Shavington,† Lord Kilmorey lived at Cranage, and was actively engaged as a Deputy Lieutenant of the County of Chester. There are a large number of letters and documents preserved at Shavington which refer to this

* See Postscript at end of this Chapter.

† See next Chapter.

period, 1683 to 1686.* They refer chiefly to the raising of troops and the disarming of disaffected persons. The series commences with an order from the Earl of Derby, the Lord Lieutenant of the County, dated 2 April, 1683, for the training of the militia.†

On the 6th June, 1683, Viscount Rochester and the other Lords of the Treasury directed Lord Derby to furnish a return of the arrears of the militia tax.‡ This return amounted to £2,536 13s. 6d.§

Then came the alarm of the "Protestant Plot," the object of which was to assassinate the King and the Duke of York on their return from Newmarket to London. This was followed by a diligent search for arms at the houses of suspected persons. Accordingly, we find the following orders, all dated on the 5th July, 1683, about a week after the discovery of the Plot||:—

"Warrants from Peter Wilbraham, Viscount Kilmorey, Sir Richard Brooke, Sir Robert Leicester, and Sir John Arden to Sir Philip Egerton, Captain of one of the troops of horse of the Militia of the County of Chester, to make diligent search for arms in the houses of Col. Whittley of Peel, Sir Thomas Billett of Morton, John Mainwaring of Baddiley, Esq., Tilston Bruen of Stapleford, Esq., John Hurleston¶ of Picton, Esq., Roger Mainwaring of Keringham, Esq., Thomas Mainwaring of Calviley, Esq., Richard Wright of Nantwich, Esq., William Lawton of Lawton, Esq., Mr. Warburton of the Grange, and Arthur Cartwright of Chepnall Green in Newhall, gent."

"Warrant from the same and Sir Philip Egerton to Thomas Needham, esq., Captain of a troop of horse of the Militia of the County of Chester, to make diligent search for arms in the houses of Sir Rowland Stanley, Sir James Poole, William Massey of Podington, esq., Mr. Glegg of Grange, Mr. Litherland of Poulton, Mr. Robert Wilson of Bidston Hall, Mr. Thomas Swinton, parson of Wallazey, Henry Booth of Mere, esq., Peter Legh of Booths, esq., Sir Thomas Mainwaring of Peever, Baronet; Col. Thomas Leigh, junior, of Adlington, Sir Robert Duckenfield of Duckenfield, and Col. Venables of Wincham.**"

"Warrant from the same to Capt. Sparkes, Captain of the Militia in the County of the City of Chester, to make diligent search for arms in the houses of Alderman Street, Alderman Mainwaring, Col. Whitley, Thomas Whitley, esq., Mr. Gilds von Brugh, Henry Birkenhead, and any other whom he shall justly suspect within the liberties of the said city.††"

On the 10th July, the Sheriff, Justices and Jury at Nantwich presented a congratulatory address to the King upon "the miraculous delivery of himself and his brother from the damned and treasonable conspiracies of blood-thirsty miscreants,

* See Muniments of Shavington, § VIII, xv, 767-899. † Ibid., 767. ‡ Ibid., 768. § Ibid. 769.

|| Ibid., 770.

¶ His grand-daughter Anne married John, Viscount Kilmorey, grandson of Thomas.

** Muniments of Shavington, § VIII, xv, 771.

†† Ibid., 772.

"who at one blow designed to rob us of the joy of our hearts, in extinguishing
"the light of this our Israel.*"

On the same day, two despatches were directed by Sir Leoline Jenkins, by command of the King, from Whitehall. The first is addressed to Sir Robert Leicester and the other Deputy Lieutenants of the County of Chester, and is a warrant to make diligent search for arms in the house of Charles, Earl of Macclesfield.† The other is addressed to the Earl of Derby, Lord Lieutenant of the Counties Palatine of Chester and Lancaster:—"I am desired by His Majesty to tell you that he has
"proof that a general insurrection was intended, not only in this kingdom but in
"that of Scotland. He would have you take notice of this as from himself, not that
"you should be hereby obliged to put your county to extraordinary expense & trouble
"in bringing together the Militia, but that you take care that the officers be in
"the readiness that is suitable for times of imminent danger. His Majesty persists
"in his direction that all dangerous persons be disarmed, but in this he would have
"decency & discretion observed, so that fowling-pieces & wearing-swords, and other
"trifling things, be not seized. He desires that an inventory of all arms seized be
"sent to one of his principal Secretaries of State.‡"

This document was forwarded on the 15th July by the Earl of Derby to Sir Robert Leicester,§ and by him to Lord Kilmorey by the hand of Captain Thomas Needham. Sir Robert writes:—"Lord Gerard is now drinking your health.||" Lord Kilmorey sent it, on the 16th, to Peter Wilbraham, the High Sheriff.¶

On the 19th July the Deputy Lieutenants replied from Northwich to Sir Leoline Jenkins that they had observed the instructions. They had disarmed the Earl of Macclesfield on the fourteenth day after the receipt of the order. They had seized some fowling-pieces, swords, and other trifling things before the receipt of orders to the contrary. They enclosed a list of arms taken by Captain Needham, 122 articles in all.**

The next batch of letters refers to the death of Charles II. The first is dated 2 February, 1684-5,†† and is from Lord Middleton, Secretary of State, at Whitehall, to the Earl of Derby:—"The King was seized with a fit at 8 o'clock this morning,|||
"but he is much come out of it, & continues so well that the physicians have
"great hopes that all danger is past. You will take care, by giving all necessary
"orders to your Deputy Lieutenants and Justices of the Peace, to prevent all

* Muniments of Shavington, § VIII, xv, 773.

† Ibid., 774.

‡ Ibid., 775.

§ Ibid., 776.

|| Ibid., 777.

¶ Ibid., 778.

** Ibid., 779.

†† Ibid., 782.

||| Evelyn writes as follows:—"4 Feb. I went to London this morning, hearing his Majesty had been the
"Monday before (2 Feb.) surpriz'd in his bed-chamber with an apoplectic fit, so that if, by God's Providence, Dr. King
"(that excellent surgeon as well as physitian) had not been accidentally present to let him blood (having his
"lancet in his pocket) his Majesty had certainly died that moment, which might have been of direful consequence,
"there being nobody else present with the King save this doctor and one more, as I am assur'd." * * *
"On Thursday hopes of recovery were signified in the publick Gazette." * * * He gave up the ghost at
"half an houre after Eleven in the morning, being 6 Feb., 1685, in the 36th yeare of his reigne, & 54th of his
"age."

“disorders that may happen upon any false reports, or by any seditious practices upon this occasion of His Majesty’s indisposition.” On the next day, 3rd February, Lord Middleton writes:—“The physicians have declared to the Privy Council that they think the King in a condition of safety.*”

On the 6th February, Lord Kilmorey and the other Deputy Lieutenants issued orders to the militia officers to have men ready in case of disturbances in consequence of the King’s illness, and similar orders to the captains of foot soldiers of the Hundreds of Cheshire.†

On this day the King died.

On the 6th April following, the Grand Jury of the county of Chester, assembled at Chester Castle, addressed a congratulatory letter to King James II. on his accession to the throne, “after having stemmed the torrent of a proud and long-pampered faction, and baffled the secrett and deep conspericyes of his enemies, in spite of all popular tumults, Bills of Exclusion, Associations, comprehension and black boxes.” They thank him especially for his unasked declaration in Council that he would protect the established religion;‡ it having been feared that James II. would make some move in favour of Catholicism.

Then follows a draft letter sent by Lord Kilmorey to Lord Derby, and intended to be addressed to Lord Middleton, advising him that the Militia had returned to their homes.§

On the 21st April|| one William Poole was examined at Audlem for publishing a pernicious libel, intituled “A letter to a person of honour concerning his majesty’s (or the King’s) disavowing his being married to the Duke of Monmouth’s mother.¶” Poole declared he had it from Sir Robert Cotton. He was bound for his appearance at the Assizes in £500 and four sureties in £200 each.

On the 19th May, the Earl of Sunderland** wrote to the Deputy Lieutenants of Cheshire:—“His Majesty having received an account that three ships laden with arms, ammunition, &c., are lately gone out of Holland to Scotland, & that the Earl of Argyle was on board,†† intending to land in that Kingdom for some rebellious design, and having also received an account of some design upon the northern parts of England, commands me to direct you to be watchful. He thinks that you should immediately disarm all dangerous & suspected persons, & that two of your number should be constantly together at some convenient place, to receive advices

* Muniments of Shavington, § VIII, xv, 783.

† Ibid., 785.

‡ Ibid., 787.

§ Ibid., 788.

|| Ibid., 790.

¶ Evelyn writes:—“His mother, whose name was Barlow, daughter of some very meane creatures, was a beautiful strumpet, whom I had often seene at Paris; she died miserably without anything to bury her; yet this Perkin [Monmouth] had been made to believe that the King had married her; a monstrous & ridiculous forgerie; and to satisfy the world of the iniquity of the report, the King his father (if his father he really was, for he most resembl’d one Colonel Sydney, who was familiar with his mother) publickly & most solemnly renounced it, to be so enter’d in the Council Booke some years since, with all the Privy Councillors’ attestation.”

** Then President of the Council.

†† The King announced the landing of Argyle in his speech to Parliament on the 22nd May (Evelyn).

"and to give directions thereupon, & also that you should send me frequent accounts of your transactions. His Majesty would also have you take particular care to secure the arms of the Militia, so that you may not be surprised.*"

On the 23rd May, the Deputy Lieutenants replied to the Earl of Sunderland that they were carrying out his instructions,† and on the 1st June, the Militia was mustered at Nantwich.‡ On the 11th June is an appointment by the Earl of Derby of Thomas, Viscount Kilmorey, Sir Richard Brooks, Sir Thomas Grosvenor, Sir Peter Warburton, Sir Thomas Stanley, Baron^{us}, Sir Phillip Eggerton, Sir Peter Brooks, Sir John Arderne, Kts., Thomas Cholmondeley, Richard Legh, and Peter Wilbraham, Esquires, to be Deputy Lieutenants of Cheshire.

On the 13th June, the Earl of Sunderland wrote to the Deputy Lieutenants to inform them that§ "the King has this morning received advice that on Thursday last the Duke of Monmouth, with three ships, one a frigate of about thirty guns, the others small vessels, appeared in sight of Lime, in Dorsetshire, and straight landed with about 150 men, & seized the town. He has caused the enclosed Proclamation to be issued.|| Both Houses of Parliament have made very dutiful addresses. The Militia of those parts are very affectionate, and his Majesty having sent the Lord Lieutenants and some troops down, I doubt not but in a few days I shall be able to send you a very good account of this matter."

On the 4th July is a bond¶ from John Offley of Crewe to the Earl of Derby in £5,000 to behave peaceably to the King and the present government. This same John Offley's daughter subsequently married Lord Kilmorey's son.

On the 10th July,** Lord Middleton writes to the Earl of Derby to announce the complete defeat of the rebels.†† On the 23rd, Lord Kilmorey and Thomas Cholmondeley wrote from Ightfield to Thomas Legh, advising him of the defeat of the rebels and of "the King's pleasure that those secured by his former orders should be released. "We, therefore, discharge you from your bond.‡‡"

Meanwhile, Lord Derby wrote to the Deputy Lieutenants that "for the better preventing the escape of the rebels now defeated, and any further rising in the County, the two troops at Knutsford and Nantwich are to stay for six days longer and send out parties to secure persons travelling who cannot give a good account of themselves. The Company for Brokton Hundred is to be at Nantwich, and that for Worrall Hundred at Knutsford, to keep strict guard & seize suspicious persons. The prisoners are to continue six days longer, & left for the Deputy

* Muniments of Shavington, § VIII, xv, 791.

† Ibid., 792.

‡ Ibid., 793.

§ Ibid., 794.

|| Proclaiming himself King, and "charging the King with usurpation and several horrid crimes, on pretence of his own title, & offering to call a free Parliament." (Evelyn).

¶ Muniments of Shavington, § VIII, xv, 797.

** Ibid., 798.

†† "July 8, came news of Monmouth's utter defeat & the next day of his being taken by Sir William Portman & Lord Lumley with the militia of their counties." [Evelyn].

‡‡ Muniments of Shavington, § VIII, xv, 799.

“Lieutenants to bail or not. The arms seized are to be sent to the Governor of Chester Castle. The Deputy Lieutenants are to meet at Nantwich on Wednesday next to hear complaints & settle the disorders of the Militia.*”

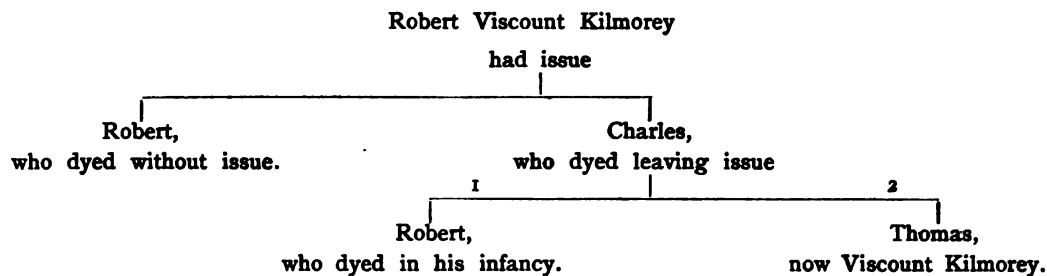
About the same time, Mr. Thomas Cholmondeley wrote to Viscount Kilmorey at Nantwich with an order received by him “to discharge those that are confined. He supposes that their bonds are to be returned. He will do this if Lord Killmorrie will send them, but suggests waiting two posts, as there may be an answer to their letter to Lord Sunderland. Mr. Offley & Mr. Right are near Lord Killmorrie, so he can send their bonds, but it would be well to inform Mr. Offley in a letter that this is done in consequence of the King’s orders.†”

Meanwhile, the Duke of Monmouth had been executed and the Rebellion brought to an end.

POSTSCRIPT TO CHAPTER XVII.

The following is the case and opinion of the Attorney-General with reference to the Kilmorey Chapel at Adderley.‡

CASE FOR THE OPINION OF COUNSEL.



HISTORY OF THE CASE.

NOATE.—That the warrs coming on & the s^d Viscount adhæring to the late King (& Sir Jo: Corbett to the Parl being one of the house of Comons) & soe continueing till within about 6 months of his Ldpps death which happened in Sept 1653, there was no proceeding agst the s^d Sir John Corbett (being a priviledged pson) touching the disturbance & aſſons aforesaid And on the s^d Viscounts death His Estate being under a Sett^t for 21 yeares for paym^t of debts & porſons; & his eldest sonne dyeing without issue & never enjoyeing the Estate but haveing a Rent Charge out of itt & the Lord Charles dyeing in 1660 & his eldest sonne in his infancy, neither of them had the estate; but the lease expiring some yeares since the Estate is now come to the said Thomas Viscount Kilmorey who attained the age of 21 years in Sept 1679 & is desirous (if hee bee relievable in lawe or equity) to seeke for itt.

Q. 1. If the Archbpps in his visitation *ut supra* (with the late King’s consent & the late Incumbent’s consent who is now dead, in case the same consents canne bee proved) canne lycence the erecting such chappell or Isle without the consent of the patron And may the s^d Thomas now Viscount Kilmorey justifie his setting

* Muniments of Shavington, § VIII, xv, 800.

† Ibid., 802.

‡ Ibid., 565.

upp the Partitōn between the s^d Isle & body of the Church as itt was when finiahed in his grandfather's time. Wherein is to bee observed that if his lordshipp have not this Isle hee hathe noe puees or seates in the Church or Chancell besides befitting his quality Hee being of the best quality in the parish.

If the Isle were erected on ye L^d Kilmorey's land I think it were good without y^e patron's consent but if it were built upon y^e churchyard or land belonging to the church before, I conceive not.

2. In case the s^d Ld Kilmorey should sett upp the s^d partitōn & that Sir John Corbett (who now is) should cause itt to be pulled downe what course & in what court shall the Ld Kilmorey take agst him viz^t by Actōn on the case ag^t those who shall pull itt downe or in the Consistory Co^{rt} att Lichfield & Coventry or where else?

I conceive this title not depending upon any p^{re}scription or other temporall title but on y^e Acts of y^e Bps Ct^t which are Spirituall y^e matter is of Spirituall cognisance only.*

3. In case y^e late King's consent cannott bee proved nor any consent in writing by the late incumbent but if itt canne bee proved that the late incumbent did verbally & orally consent will the same with the Arch B^{ish}ps license *ut supra* be sufficient to entitle the now L^d Kilmorey to the Isle afo^r.

This is answered before. I conceive no license would be good to build upon y^e land of y^e church wth† the patron's consent.

CRESWELL LEVINE,

27th Dec. 80.

* Prescription, i.e. prescriptive right.

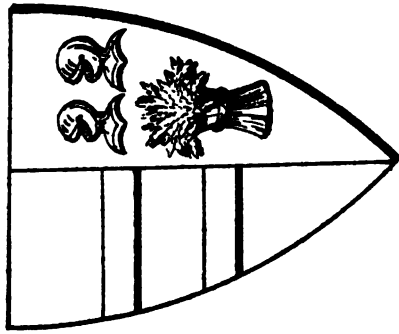
† Bishop's Court.

‡ Without.

ARMS OF MAINWARING.

[IMPALING COTTON.]

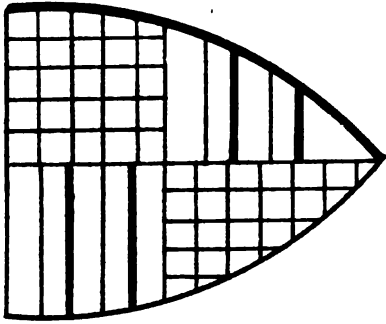
[1689.]



From Deed in Muniments of Shavington.
§ VI., ii., 282.

ARMS OF MAINWARING.

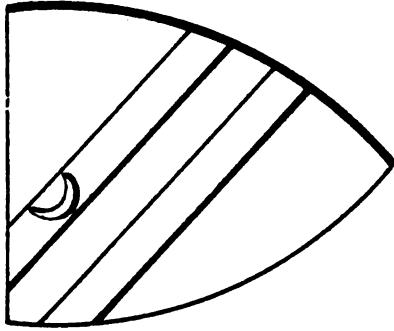
[1692.]



From Deed in Muniments of Shavington.
§ VI., ii., 293.

ARMS OF NETTLES.

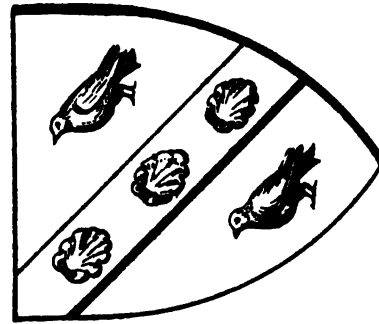
[1692.]



From Deed in Muniments of Shavington.
§ VI., ii., 295.

ARMS OF ROWLEY.

[1692.]

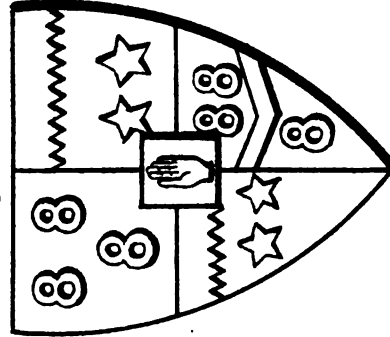


From Deed in Muniments of Shavington.
§ VI., ii., 295.

ARMS OF
SIR ROBERT COTTON.

(1ST BARONET.)

[1701.]

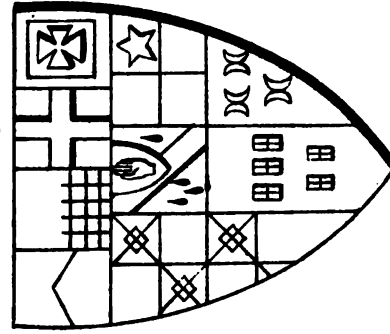


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§ VI., i., 252.

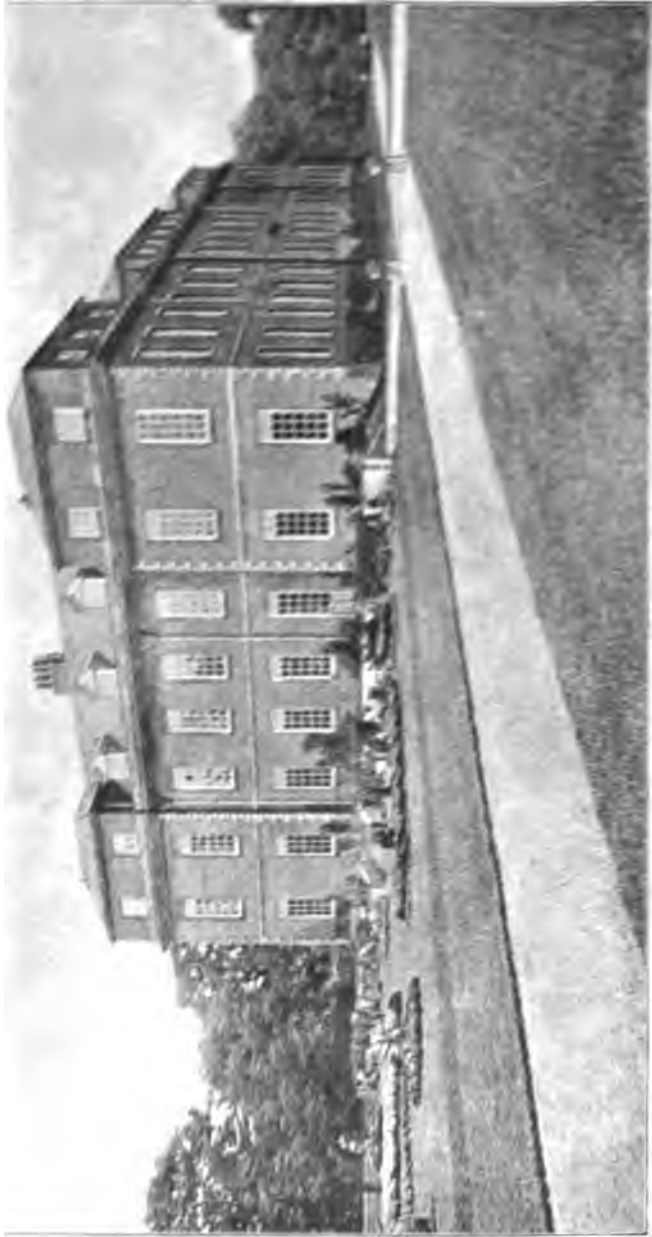
ARMS OF
SIR WILLIAM ASTON.

(BARONET.)

[1701.]



From Deed in Muniments of Shavington.
§ VI., i., 252.



VIEWING FROM THE GROUND

CHAPTER XVIII.

SHAVINGTON HALL.

[1685.]

DURING the proceedings chronicled in the last chapter, an important event in the history of Shavington occurred, no less indeed than the re-building of the Hall.

The site of the present Hall had, without doubt, been occupied by a building from time immemorial. The first mention of a house at Shavington that I can find is in 1293-4.* When Sir John Needham took a lease of the property, in 1438, there was certainly a house there; but it was not until Sir Robert Needham came into the property, at the end of the fifteenth century, that a really suitable house was erected. Sir Robert made Shavington his principal seat, Cranage having been previously occupied by the family, and built a substantial house, of which, however, we know but little. That it was a solid structure is evident by the foundations discovered under the kitchen of the present house, during the recent alterations.† It had two court-yards, an upper and a lower, so it was a house of considerable size. There was also a private Chapel built by Sir Robert Needham, but this fell into disrepair after the Reformation. The Chapel built in 1628 was in the lower court-yard of the house.

At the commencement of the Civil Wars, the Kilmoreys deserted Shavington, and resided first at Dutton and afterwards at Beesthorpe. During the forty years of its desertion Shavington fell into decay. The place lay between Nantwich, Drayton, and Whitchurch, all garrisoned towns, and was therefore constantly overrun by troops and marauders.

It is not to be wondered at, therefore, that when Thomas, Viscount Kilmorey, came of age in 1679, he found it necessary to rebuild Shavington. He had a good

* In the document printed on page 33.

† By Mr. Heywood-Lonsdale in 1885.

fortune, saved during the long minority of his brother and himself, and upwards of £10,000 was devoted by him to the erection of the present Hall.

It stands, well-placed, in the middle of an undulating park, the abode of myriads of rabbits. The old copyhold field, of which mention has been made before,* and which now forms part of the park, was called the "Conygree," or rabbit-warren, and the name might be given to the whole park. From the house-front the park gradually slopes down to the river Duckow, which forms big pools or lakes in the park, and beyond it, the park of Tittenley completes the view from the house windows. The house, as seen from the park, has a most commanding position. The park front, however, is a trifle disappointing, being a plain red brick structure of two stories, with rows of plain windows. The principal entrance is at the back of the house, which is planned like a capital E, the back of the up-stroke being the park front and the central spot the main entrance. The house as it now stands has, however, been considerably altered since the building in 1685.

As it was originally designed, the main entrance was at the front. The steps remain in front of one of the dining room windows. As was a *sine quâ non* of those days, a straight avenue of trees led from the front door, across the park, to the Duckow, where was a bridge. This bridge and avenue have now disappeared; to the detriment of the front view of the house.

On entering the front door, a great hall was discovered, extending to the whole height and breadth of the building. Overlooking the hall was a broad gallery, adorned with oak pillars and arches, elegantly carved, running the whole length of the hall. This great hall must have been the most striking feature of the interior. Unfortunately, a later generation thought less of stately grandeur than of comfort and sleeping accommodation, and accordingly Francis, the first Earl, some time in the early part of this century, carried out alterations which entirely deprived the Hall of its most characteristic features. The Great Hall was subdivided, and the avenue removed; the entrance hall was placed in its present position, the present approach drives made, and two new bridges thrown across the Duckow.

Worse still, a first floor was put over the hall and made into bedrooms and the beautiful gallery deprived of its most striking features, becoming a mere corridor, off which the bedrooms open. The oak arches are for the most part lost in the bedroom walls.

The original design of the house was, so far as I was concerned, mere conjecture, founded on a careful inspection of the present building. I should not have ventured upon the statement had I not had the satisfaction to have it confirmed by Mr. Norman Shaw, the eminent architect who superintended the alterations made by Mr. Heywood-Lonsdale in 1885,† which have made the house, if not quite what it

* Chapter I.

† The two dates, 1685 and 1885, now appear on various parts of the house, being the dates of building and restoration.

was when the Great Hall existed, yet as handsome and noble an edifice as it was possible to make of the somewhat monotonous structure.*

In making these alterations, Mr. Norman Shaw found that the house, though looking so solid, was badly built, and when one of the main walls was pierced for a new doorway, a large part of it fell. He told me, however, that this was not unusually the case in the best houses of that date. An instance occurred at Burlington House. When the present building was erected, the old foundations appeared so solid that they were left, and the next building erected on them. Recently, when it was found necessary to make a doorway through a portion of the old work, it was found merely to be faced with stone, the interior being filled with rubble.

When I had satisfied myself of the fact of the alterations, I endeavoured to fix the date, and I put it at about 1822 for several reasons:—

1. Francis, Viscount Kilmorey, was created Earl in 1822.
2. In that year he restored the Kilmorey Chapel at Adderley Church.
3. He had a large family and consequently would require additional bedroom accommodation.
4. According to the story of an old parishioner of Adderley, repeated to me by the Rector, the round balls on the pillars of the new bridges were intended to represent cannon balls; and were placed there in commemoration of the builder's wars. Now Francis was a great soldier. I give this reason for what it may be worth.

Mr. Norman Shaw confirms this date from the character of the work.

* Mr. Norman Shaw, in writing to me about the house, says:—"I don't think I have a word to say about the architecture which you could not say better yourself. It always struck me as being dignified, but a shade dull: it just missed being a fine thing, one can hardly say why. There can be no doubt it suffered tremendously (internally) by the alterations that took place some sixty or seventy years ago. I think, with you, there can be little doubt but that originally there was a large saloon or hall, with the gallery on the first floor looking through arches down into it, and if that saloon was finished in the same way that the gallery was, how fine it must have been! I tried to find out what the arches had been like on the hall side, but found I could not without pulling the work to pieces.

"Of the old wall we found not much was to be made. It was deep down in the place where the pantry now is. It was a good stone wall about two feet thick, well faced with stonework, with no doors or windows in it, or anything by which you could say what it had been, but of course we did not expose more of it than we could help, as it was right down under the house."

CHAPTER XIX.

IGHTFIELD.

[1687—1768.]

LORD KILMOREY did not long survive the completion of Shavington. He died on the 26th of November, 1687,* and was succeeded by his son Robert as seventh Viscount. His widow subsequently married Theophilus, Earl of Huntingdon, and thirdly the Chavalier de Ligonday. Robert was the second son of Thomas, though he is generally described as the eldest. The eldest son was Thomas, who died in infancy.† Curiously enough, the eldest son is omitted not only in all the authorities but even in the Pedigree in the Heralds' College, which was certified by the two sons of Robert, Thomas the ninth and John the tenth Viscounts.

Robert, the seventh Viscount, was born on the 4th May, 1683, so that he was but four years old when he succeeded, and consequently another long minority intervened. When he was sixteen years old, he paid a visit to Scotland, some record of which can be gleaned from the accounts of Mr. Forrester, his steward, who accompanied him.

From these we gather that the journey was commenced on the 4th July, 1699. The first halt was made at Audlem; the next at Vale Royal, where a visit was paid to Mr. Francis Cholmondeley. Vale Royal was left on the 17th, and two days

* "1687, 26^o Novemb. Sepultus est vere hon'bilis Tho: Vicecomes Killmorrey de Shavington."—Adderley Register.

† His tomb was in Budworth Church, with this inscription:—

Thomas first
son of Thomas
Lord Viscount
Killmorrey and
Frances his wife
was buried March ye 17
1680.



IGHITEFIELD CROSS.

brought the travellers to Preston. From this place Lord Kilmorey despatched a salmon as a present to Mr. Cholmondeley. It cost him three shillings and sixpence.

The next halt was at Lancaster, where a visit was made to the Castle, and half-a-crown disbursed as largesse amongst the prisoners there. Three maps also were purchased, but, even with these, it was found necessary to have a guide across the sands. The next stoppage was at Kendal, where the Church was inspected; thence the travellers pressed to Lowther Castle, where a stay was made, and, after an inspection of the Church at Penrith, Carlisle was reached on the 22nd. Here, half-a-crown was paid "to the guard who forebore taking my lord's arms as is usuall there." The expenses at Carlisle included five shillings "to the Garrison that drew up for my lord's reception," two shillings and sixpence to the Governor's man, and one shilling to the prisoners.

On the 24th, the Viscount left Carlisle for Annan, accompanied by a guide, whose charge was sixpence, but in spite of whom it was found necessary to pay sixpence further "to fishermen who show'd a ford over Esk." After dinner at Annan, Dumfries was reached the same night; and the next day a guide led the party to Drumlanrig, where a stay of two days was made with the Duke of Queensbury, the Lord High Treasurer of Scotland. On the 28th, Drumlanrig was left behind and Edinburgh reached the same day, and here a halt was made. The time was spent in visits to the University, the Lawyers' Library, Holyrood Palace, the Castle and Hospital.

On the 4th August, the travellers left Edinburgh and spent the night at Falkirk, Glasgow being reached the next day. At Glasgow, the Viscount was presented with the freedom of the city. Leaving Glasgow on the 9th, the night was spent at Bannockburn, and Stirling was reached the next day. Here the guard turned out, which cost the Viscount 4s. 10d., and the Castle was inspected at the cost of 1s. 0½d. A visit was next paid to Sir Thomas Dalzell, and then to Mr. Leslie of Leslie (who, on the death of his mother, in 1700, became Earl of Rothes), to Lord Stormont at Scone Palace on the 18th and 19th, to Lord Kinnaird, with whom the Viscount dined, on the 21st, and thence to Glamis with a guide. After a visit of two days at Glamis, Lord Kilmorey spent five days at Old Montrose, where he had some salmon fishing; thence, after visiting Lord Panmure,* he went to the Archbishop of St. Andrew's on the 29th, sleeping at Colonel Balfour's that night, and thence by Dunibisk to Edinburgh, which was reached by a ferry-boat on the 2nd September. On the 4th, the Viscount took a coach and four to Newbottle to visit the Earl of Lothian; and on the 5th set out for England by way of Blairs, Haddington, and Broxburn, reaching Berwick on the 7th. From Berwick, he proceeded to Morpeth, where he remained from the 8th to the 12th, thence to Newcastle, 12th; Durham, 13th; Northallerton, 14th; Knaresborough, 15th, and York, 16th, where the Cathedral and

* Afterwards attainted for joining the standard of the Chevalier St. George in 1715.



IGHTFIELD CHURCH.

of the interest of an old family seat still attaches to the place. There is a room with the not unusual blood stains on the floor. This room, though a mere attic, was occupied by a worthy knight who made the name of Mainwaring famous in the county in his day. He was wont, so the story goes, to receive a visitor from the lower regions, and, on the landing outside his room, they indulged nightly in fighting bouts. The avenue leading to Ightfield Church was planted by the two, for a wager, in one night, each doing one row of trees, and they say the knight proved the better man. His nocturnal visitor promised him a warm welcome, which he predicted that the knight would not escape whether he were buried inside or outside the Church. To avoid the fulfilment of this prediction, his tomb was built under the wall of the Church—half inside and half out. His ghost still visits Ightfield Hall, driving up in a carriage and four with a great bustle and clatter, as the inhabitants are ready to vouch.

In addition to Ightfield, some other minor additions were made to the property at this date by Mrs. Crew Offley in satisfaction of her covenant. When the young Viscount came of age, he pretty soon began borrowing money on his own account, by way of mortgages, which sooner or later found their way into Mrs. Crew Offley's hands. He, however, did not live long enough to seriously involve himself, as he died at the early age of twenty-eight on the 2nd October, 1710*.

There is a tablet in the chancel of Adderley Church with the following inscription:—"Near this place is interred the Right Honourable Robert, Lord Viscount Killmorey. He left 4 sons Robert Thomas Francis and John and 4 daughters Ann Mary Elizabeth and Henrietta by the Right Honourable Mary his wife daughter of John Offley of Crew in the County of Chester Esquire. Deceased October 2, 1710, then aged 28 years. And near lieth the body of the Right Honourable Mary Lady Viscountess Killmorey widow of the said Viscount who departed this life the 9 April, 1765, aged 81†."

Of the four sons of Robert, Viscount Killmorey, three were successively Viscounts. The four sons were‡:—

1. Robert, the eighth Viscount, born October, 1702, succeeded October, 1710, and died in infancy, February, 1716.
2. Thomas, the ninth Viscount, born 29th September, 1703, succeeded February, 1716, and died, without leaving issue, 3rd February, 1768.
3. Francis, born November, 1704, died December, 1712.
4. John, the tenth Viscount, born January, 1710, succeeded February, 1768, and died, 27th May, 1791.

It will be seen that another long minority now gave the estates a rest from the death of Robert, the seventh Viscount, in 1710, until Thomas came of age in 1724.

* "1710, 9 Octob. Sepultus est vere honorabilis Rob: Needham vicecomes Killmorey de "Shavington."—Adderley Register.

† "1765, Ap^l 19 Buried the Right Hon: Mary Lady Viscountess Dowager Killmorey."—Adderley Register.

‡ See Postscript at end of Chapter.

On the 12th June, 1725, Thomas joined his mother in disentailing the estates, and in June, 1730, he re-settled them on his marriage with Lady Mary Shirley, daughter and co-heiress of Washington, second Earl Ferrers. This lady's sister was Lady Selina Shirley, who married Theophilus, Earl of Huntingdon, and subsequently became distinguished as founding a sect of Methodists. In 1745, Lord Kilmorey was appointed Deputy Lieutenant of Salop by Lord Herbert of Chirbury.

In 1751, the Beesthorpe Estate in Norfolk was sold for £13,000, which was applied in paying off a mortgage to the Executors of the Archbishop of Canterbury; and, about the same time, the old family estate of Cranage in Cheshire was sold. This property had been in the possession of the Needhams for more than three centuries, but, with the rise of Shavington, the glory of Cranage waned, and it ceded to Shavington the distinction of being the seat of the Kilmoreys. The manor was sold in 1760 to the Trustees of Thomas Bayley Hall, and the Hall to the Rev. John Armistead*.

Lord and Lady Kilmorey seem to have spent a considerable part of their time abroad. We find them in Italy in 1756 and 1758. Several letters are preserved from their business agents at Leghorn, Messrs. Ragueneau Marcha and Horner, which give some account of current events. The first is from Pierre Marcha to Lady Kilmorey:—

“ Livorne, 15th Sept., 1756.

“ My Lady,

* * *

“ Je suis bien obligé à my lady des nouvelles du tems qu'elle a la bonté de me
 “ donner, je serois bien charmé que le tout se verifiait, mais comme bon Partisant
 “ Anglois je suis en crainte de quelque Coup inentendu de nos ennemeis, Dieu veuille
 “ que je me trompe, tout le monde pense que L'jsle de Corse va devenir le Theatre
 “ de la guerre, veuille le Seigneur que nos armes gajent un bon succes. Nous
 “ sommes toujours sans nouvelles de notre flotte sous le commendem't de Lamiral
 “ Hawke, on assure que le Roy de Prusse a jetté 10m. hommes dans la ville de
 “ Leipzig, Dieu Scait quel embaras celle va occassioner, voila tout ce que je suis
 “ dire.†”

Then follows one from the firm to Lord Kilmorey, which shows the difficulty experienced in those days in transmitting goods to England:—

“ Leghorn, 22 Sept., 1756.

“ My Lord,

* * *

“ Now in war time seldom any opportunities offer directly for Chester or Liverpool,
 “ and those ships of no force which go under convoy. If we had known it in time
 “ we could have sent your Marble Paving Stones by a ship of ours, but she sails

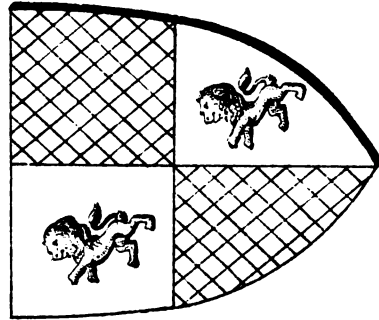
* Leycester, iii, p. 73.

† This refers to the beginning of the Seven Years' War.

ARMS OF

ANNE CREWE OFFLEY.

[1707.]



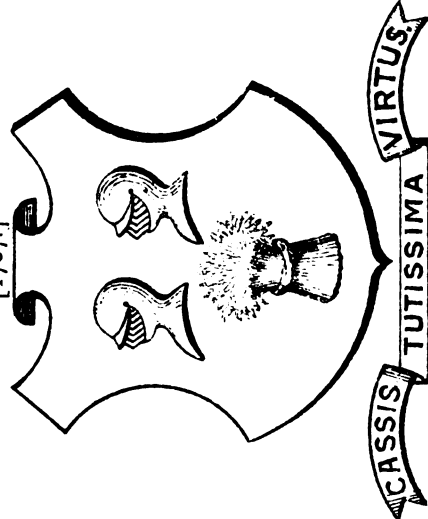
From Deed in Muniments of Shavington.
§ VI., ii., 308.

ARMS OF

FRANCIS CHOLMONDELEY.

(OF VALE ROYAL.)

[1707.]



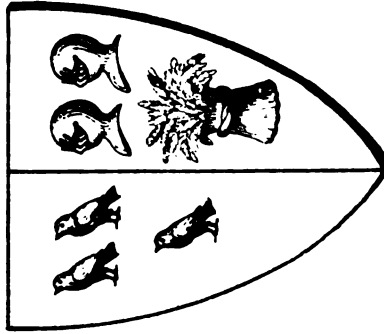
From Deed in Muniments of Shavington.
§ VI., ii., 308.

ARMS OF

JOHN ATHERTON.

[1707.]

[IMPALING CHOLMONDELEY]
*He married ELIZABETH, Daughter and Heiress
of ROBERT CHOLMONDELEY, of Vale Royal.*



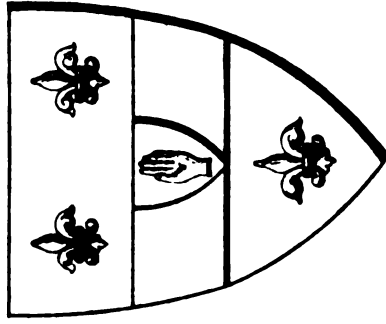
From Deed in Muniments of Shavington.
§ VI., ii., 308.

ARMS OF

SIR FRANCIS LEICESTER.

(OF NETHER TABLEY.)

[1707.]



From Deed in Muniments of Shavington.
§ VI., ii., 308.

CREST OF

SIR EDWARD BAGOT.

[1707.]

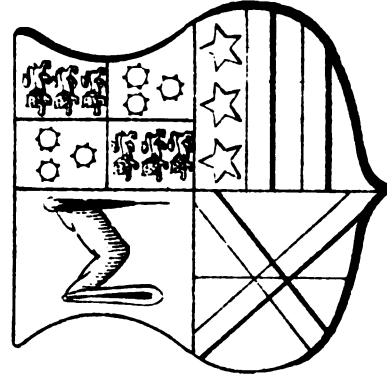


From Deed in Muniments of Shavington.
§ VI., ii., 308.

ARMS OF

THEOPHILUS,
EARL OF HUNTINGDON.

[1730.]

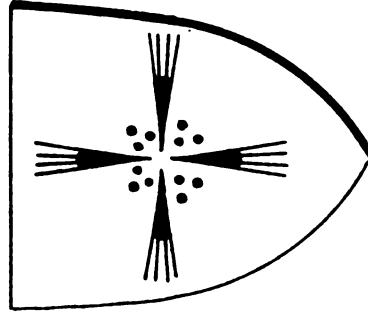


From Deed in Muniments of Shavington.
§ VI., i., 260.

ARMS OF THE

HURLESTONE FAMILY.

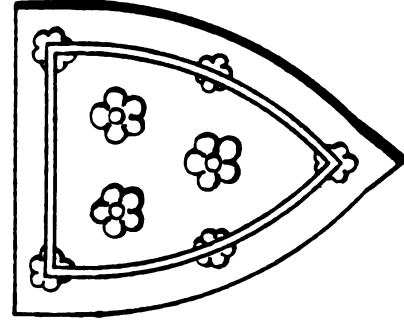
[1738.]



See History of Shavington, Page 115.

ARMS OF LIVINGSTONE.

[1787.]



From Deed in Muniments of Shavington.
§ VI., ix., 379.

"to-day or to-morrow in company with several others under Convoy of two Men of War that arrived here last Sunday in the evening from Admiral Hawke's Squadron."

The following letter, however, reveals the fact that the communication between Pisa, Leghorn, and Genoa was even more uncertain :—

"Leghorn, 4 Feb., 1758.

"My Lord,

"In answer to yr. obliging Favour of the 3rd inst., before we order the 23 braces or 54 palms of uncut black velvet from Genoa, we think it proper to acquaint yr. lordship that, as you want it immediately, in order to go into mourning, it may require a longer time than you either expect or can spare; for the post for Genoa does not go out until next Wednesday, and the sea conveyance by Filugas is often very uncertain and tedious at this contrary season of the year, so that it might happen that you might not receive the velvet in less than a month.

* * *

"To Lord Kilmorey at Pisa."

Lord Kilmorey died on the 3rd February, 1768,* without issue, and was succeeded by his youngest brother John.

POSTSCRIPT TO CHAPTER XIX.

The following old MS. gives an account of the Family of Robert, seventh Viscount :—

Robert Lord Viscount Killmorey was married to Mary the only daughter of John Crew Offley of Madeley in the County of Stafford Esq^r and Anne his wife August 19th Anno Dñi 1701.

Robert Needham first son to Robert Lord Viscount Killmorey & Mary his wife was born att Crew in the County of Chester the 12th day of October about 4 a clock in the morning Anno Dñi 1702 & was baptized the 29th of the same month John Crew Offley and Francis Cholmondeley Esq^r being Godfathers & the right honble Ffrances Countesse of Huntingdon his Godmother.

Thomas second Son to Robert Lord Viscount Killmorey & Mary his wife was born att Shavington in the County of Salop the 29th of Septemb^r about 8 of clock in the morning Anno Dñi 1703 and was baptized the 14th of October Hugh Lord Viscount Cholmondeley & Crew Offley Esq^r being Godfathers & M^{rs} Mary† Offley his Godmother.

Francis third son to Robert Lord Viscount Killmorey & Mary his wife was born att Shavington in the County of Salop the third of Septemb^r betwixt :j: & :2: of Clock in the afternoone Anno Dñi 1704 and was baptized the 27th of the same month Ffrancis Earle of Bradford & S^r John Crew Knight being Godfathers & the honble M^{rs} Mary† Needham Godmother.

* "1768, Feb. 13. Buried the Right Honourable Thomas L^d Viscount Kilmorey of Shavington."—Extract from Burial Register of Adderley.

"1766. May 3. Buried the Right Honourable Mary Lady Viscountess Kilmorey."—*Ibid.*

† An asterisk is inserted here in the manuscript, and the words "his gr^{m^{othr}}" are added in the margin.

‡ The word "Mary" is partially erased, and "Elizabeth" written underneath.

Anne first daughter to Robert Lord Viscount Killmorey and Mary his wife was born att Shavington in the County of Salop the second day of September about Eleaven of clock in the forenoone Anno Dñi 1705 and was baptized the 11th of the same month S^r Bryan Broughton Barr^{re} Godfather and the hoñble the Lady Anne Hastings and M^{rs} Anne Crew Offley Godmothers.

Mary second^e daughter to Robert Lord Viscount Killmorey & Mary his wife was born att Shavington in the County of Salop the ninth day of November about Ten of the Clock in the forenoon Anno Dñi 1706 and was baptized the 16th of the same month S^r Robert Corbett Barr^{re} Godfather & the Lady Mary Aston and Frances the wife of the Rever^d M^r Harvey Broughton Godmothers.

Elizabeth Third daughter to Robert Lord Visc^t Killmorey & Mary his Wife was born att Shavington in the County of Salop the Tenth day of March about four of the clock in the afternoone Anno Dñi 1707 and baptized the 27th of the same month S^r Thomas Delves Barr^{re} Godfather The Honble Lady Elizabeth Hastings & Elizabeth the wife of John[†] Egerton Esq^r Godmothers.

[Endorsement on above.]

The aforesaid ELIZABETH NEEDHAM died the Tenth day of August Anno Dñi 1708 and was buried the 12th day of the said Month att Attherley the usuall Buriall place of the Lord Killmorey's Family.

Henrietta fourth daughter to Robert Lord Viscount Killmorey & Mary his wife was borne att Shavington in the County of Salop the Eighteenth day of July betwixt the hours of Eight & nine of the Clock att night Anno Dñi 1709 and was baptized the Twenty first of the said month The Rev^{end} Doct^r Phillip Egerton Godfather & the Lady Corbet and M^{rs} Anne Crew Godmothers.

[Endorsements on above.]

ROBERT LORD VISCO^t KILLMOREY dyed of the Small Pox at London y^e 2^d of Octob^r 1710 in y^e 27 years of his age and was brought downe & buried y^e 9th of the same Month at Adderley in Shropshire y^e usuall place of Buriall for that ffamily.

JOHN y^e ffourth son to Rob^t Lord Visc^t Killmorey and Mary his Wife was borne at Shavington in y^e County of Shropshire[†] y^e 18th of January a q^r of an houre past ten in y^e Morning Anno Dñi. 1710 & was Baptized y^e 22^d of y^e same Month John Eggerton of Oulton Esq^r & Charles Shaw of Besthorpe Esq^r Godfathers, Anne Countess of Abbingdon God Mother. §

* This was written "third" originally, but this was marked through and the word "second" substituted.

† In the MS. this name has been substituted for "the Rever^d Willia^t," which has been marked through.

‡ In the MS. this word has been substituted for "Shavington" which has been marked through.

§ The above MS. was evidently written in 1709-10, the date of the last entry, as the birth of John, fourth son, which occurred in 1710, was added in a later hand, as well as the death of Robert, Lord Kilmorey, which occurred in the same year. No entry was made after 1710.

CHAPTER XX.

THE RESTORATION OF ADDERLEY CHURCH.

[1768—1818.]

JOHN, TENTH VISCOUNT KILMOREY, was born, as we have seen, in January, 1710. He married, in 1738, Anne, daughter of John Hurlestone, and widow of Geoffrey Shakerley, of Somerford.

The Hurlestons were an old Cheshire family of considerable importance. They purchased the manor of Picton about the year 40 Elizabeth, and subsequently acquired the manors of Wervine, Newton, and Idenshaw. On the death of Charles Hurlestone, the estates were partitioned amongst the three surviving daughters of his brother John. These were Anne, Lady Kilmorey, Mary, wife of John Leche, and Elizabeth, wife of Trafford Barnston. The share of Anne was the manor of Newton, near Chester, which still belongs to the Earl of Kilmorey.

John, Lord Kilmorey, had five children:—

1. Thomas, born March, 1740, died 19 April, 1773.*
2. John, born May, 1743, died in infancy.
3. Robert, eleventh Viscount, born 14 November, 1746.
4. Francis, twelfth Viscount, born 5th April, 1748, and
5. Mary, died 1823.

As will be seen, both Thomas and John predeceased their father, who was eventually succeeded by his son Robert. In 1778, arrangements were made for resettling the family estates. It would seem that Mr. Robert Needham had become involved by the failure of the Ayr Bank, and it was, therefore, desirable to so settle the property as to prevent the loss of the estates to the family. The following letter

* "1773. The Honourable Mr. Thomas Needham was buried in linen, April 27th."—Datchet Register.

from Mr. Antrobus to the Hon. Robert Needham, dated the 19th November, 1778, explained to him the object of the re-settlement:—

“I have written fully to Lord Killmorey and sent him the plan I propose for the adjustment of everything relating to the family estate.

“You may think at first sight that you are too strictly confined in your future power over the estate. My motive was that the whole might be preserved to the family without running the hazard of being liable to the deficiencies in the Air Bank which might be the case if the fee were to become vested in you. I shall be glad to know your sentiments as well as my lord’s.”

On the 28th March, 1779, the new settlement was executed. In the previous year, Lord Kilmorey had been appointed Deputy Lieutenant of Shropshire by Lord Clive. The Viscount died on the 17th May, 1791,* and was succeeded by his third son Robert. Robert married, in 1792, Frances, daughter of Sir Robert Salusbury Cotton, and sister to the first Lord Combermere.

About the time of the death of John, Viscount Kilmorey, the old question of the seats in Adderley Church cropped up again, in view no doubt of the rebuilding of the Church.

The following declarations† were made the very day before the Viscount’s death.

“May 16, 1791.

“Edw^d Cartwright aged 83 years & upwards says he has been informed & believes that a certain part of Adderley Church called Lord Kilmorey’s Chancel was built by one of the ancestors of the present Lord Viscount Killmorey & belongs to his Lordship. Says that the first & second forms on the left hand leading from his Lordship’s Chancel into the Body of the Church belong to his Lordship & have been uniformly enjoyed by the s^d Ed^d Cartwright & John Sherratt, two of his Lordship’s tenants, & their respective families & that there never was any form or seat in the Body of the Church which belonged to or was occupied by his Lordship’s Tenants at the Mill or Bank House. The Tenants whereof have always sat in his Lordship’s chancel. Says his lordship’s tenants Searle Massie Mulliner & their families have always sat in his Lordship’s chancel. Says he believes that the late Robert Beckett, one of Sir Corbett Corbett’s tenants about 50 years ago erected a seat or pew up to Lord Kilmorey’s chancel & he has been informed upon his lordship’s ground & that John Moors who now occupies the farm held by Beckett is now in possession of s^d seat or pew, but how the same came to be erected whether with or without his lordship’s consent does not know:

“The mark of

“EDW^d + CARTWRIGHT.”

“Henry Bates aged 65 & upwards says there are two forms in Adderley Church behind the porch door which belong to his lordship & have been heretofore occupied

* “1791, June 4th. Buried the Right Hon: John L^d Viscount Kilmorey.”—Adderley Register.

† Muniments of Shavington, § VIII. v. 566.

“ by John Barns & R^d Wigan. Since then by Jos : Seavill ffamily & R^d Massie
“ ffamily but they are in so cold a situation that the masters and mistress of the
“ ffamily & their children have usually sat in s^d chancel :

“ HENRY BATES.”

For what precise purpose these declarations were made does not appear, but they probably had reference to the allotment of seats in the future building. Incidentally, it appears from them that the Kilmoreys were in possession of their Chapel and that it was usually occupied by some of their tenants. The re-building of the Church was carried out in the year 1800.

The only portion of the old Church which was left standing was the Kilmorey Chapel, and the new Church was built on to this on the site of the old. The new building was unpretentious, and has no architectural feature of interest. Corresponding with the Kilmorey Chapel on the North side, the Corbett family erected a transept on the South side for their use, but this is of the plainest description. The present altar rails are said to have been formerly used to rail off the Kilmorey seats (referred to in the declarations) situated in the nave of the Church.

The font, which now stands at the West end, is a relic of the old Church, rescued by the present Rector, the Rev. A. Corbett. It had been inverted and used as the stand for a sun-dial; the Rector, on examining it, observed its antiquity and discovered its proper use, to which he restored it. There are brasses in the chancel to Sir Robert Needham, who died in 1556, and to an Abbot of Combermere, and many tablets on the walls to members of the Needham family, to which allusion has or will be made. One is to “ John, Viscount “ Kilmorey and Anne his wife. “ He died 17 May, 1791. She died 9 August, 1786.”

Robert, Viscount Kilmorey, in the year 1806, came into a great estate on the death of his relative, William Needham. William Needham was a descendant of Sir Robert Needham, whose father, Thomas, was second son of the second Sir Robert Needham of Shavington, and brother of the third Sir Robert, who was created Viscount Kilmorey. William Needham, by his will dated 5th December, 1804, bequeathed his estates of Newry and Morne, in Ireland, to Robert, Viscount Kilmorey, and his heirs male, with remainder to Lieutenant-General the Hon. Francis Needham* and his heirs male. William Needham died in 1806, and Lord Kilmorey succeeded to these large Irish estates, which still belong to the Earl of Kilmorey.

By the Act for the Union of Great Britain and Ireland (39 and 40 George III. c 67) the peers of Ireland were empowered to elect 28 temporal peers for life as representatives of their body in the House of Lords. In June, 1812, Robert, Viscount Kilmorey, presented his claim to vote in the election of representative peers for Ireland. The documents supporting the claim are interesting from the fact that, although every family record appears to have been searched, the information

* Afterwards Viscount and Earl Kilmorey.

collected was much less complete and accurate than that which appears in these pages.

“The case of the Right Honourable Robert Viscount Killmorey, of that part of “the United Kingdom called Ireland, *claiming* a Right to vote as an Irish *Peer* at “the Election of Peers to represent Ireland,” commences thus:—

“Sir Robert Needham of Shavington or Shenton (in the Parish of Adderley) in “the County of Salop, Knight, was, by patent under the Great Seal of England “and Ireland, dated the 18th day of April, in the year 1625, in the 1st year of “the Reign of King Charles the First, created Viscount of Killmorey in the Kingdom “of Ireland, with remainder to the Heirs male of his body to be begotten for “ever.”

So far the statement is correct, but the next paragraph will be seen to be inaccurate.

“It does not appear by the printed Journals of the Proceedings of the House “of Lords in Ireland when the Viscount first took his seat; but it must have been “previous to their commencement, as in 1634 (the first year of these Journals) his “name appears as such in the Roll of Peers returned to the House by Garter King “at Arms and again on the 11th March, 1639.”

We know, however, from what has appeared before, that the first Viscount died in 1631, and that the above referred to the second Viscount.

It proceeds to state correctly that, in 1623, there were three Robert Needhams living, father, son, and grandson, who were successively Viscounts Kilmorey. The pedigree is then traced with tolerable correctness to the claimant. The claim was duly allowed.

In the year 1815, the last important settlement of the Kilmorey family estates was made. The parties to this voluminous deed, which was dated the 6th of May, were the Right Honourable Robert Viscount Kilmorey, of the first part, the Honourable Francis Needham, and Francis Jack Needham* and Jane his wife of the second part, Robert Langley Appleyard, of the third part, Sir Robert Chambre Hill and the Rev: William Cotton, of the fourth part, and the Right Honourable Stapleton, Baron Combermere, and William Henry Meyrick, of the fifth part. By it, the estates were settled on Lord Kilmorey for life, with remainder to Francis Needham for life, with remainder to Francis Jack Needham for life, with remainder to his heirs in tail male.

Lord Kilmorey and his wife both died in November, 1818, and were buried side by side in the chancel of Adderley Church, their interment being recorded by a tablet to the following effect:—“Robert & Frances Viscount & Viscountess Killmorey “were placed in a vault on the 7th December, 1818.”

He left no issue, and was succeeded by his brother Francis as twelfth Viscount.

* The second Earl.

CHAPTER XXI.

FRANCIS, FIRST EARL OF KILMOREY.

[1818—1832.]

WITH Francis, twelfth Viscount Kilmorey, the Needham family reached its zenith at Shavington.

Francis Needham was born on the 5th of April, 1748, and was, therefore, over seventy years of age when he succeeded to the title and estates, which he nevertheless lived to enjoy for fourteen years. In him and his children, the Needham family displayed the greatest examples of the longevity for which they were remarkable. He himself lived to the age of eighty-four. He married, on the 20th February, 1787, Anne, daughter of Thomas Fisher, Esquire, and by her had issue, nine children; two sons and seven daughters.

1. Francis Jack, who succeeded him as second Earl of Kilmorey, was born in 1787, and lived to the age of ninety-three.
2. Francis Henry William, born 1799, and died 24th March, 1868.
3. Anna Maria Elizabeth, married the Hon: and Rev: Henry Cockayne Cust, and died in 1866.
4. Amelia, who died in 1860.
5. Frances Elizabeth, who married General George Powell Higginson and still (1890) survives.
6. Selina, who married the Hon: Orlando Bridgman and died in recent years.
7. Georgiana, who died at a very advanced age in 1888.
8. Alicia Mary, who married Samuel Ellis Bristowe; and
9. Mabella Josephine, who married the Hon: John Henry Knox, son of the first Earl of Ranfurley.

Francis Needham, had previously to his accession, served with distinction in the

Army, was Colonel of the 86th, and rose to the rank of General. On his tablet in Adderley Church he is described as almost the oldest officer in the Army.

In 1822, he was created Viscount Newry and Morne and Earl of Kilmorey in the Peerage of Ireland, and, in celebration of this event, he restored the Kilmorey Chapel in Adderley Church, putting in the North Window, emblazoned with the arms of the twelve Viscounts, raising the height of the chapel, and generally embellishing it. He also made the various alterations which have been described at Shavington, and erected the bridges with cannon ball ends.

In his day was organized the celebrated meet of hounds, long remembered in Cheshire, Shropshire, and Staffordshire as the "Shavington Day."

"This," says Nimrod, in his *Life of Mytton*, "was an arranged trial of speed, nose, and bottom, between the foxhounds of Sir Harry Mainwaring, of Peover Hall, Cheshire, commonly called 'the Cheshire Hounds,' the pack kept jointly by Sir Edward Smythe, of Acton Burnal Park, Mr. Smythe-Owen, of Conover Hall, and Mr. Lloyd, of Aston Hall, Salop, better known as 'the Shropshire Hounds;' and that of Mr. Wicksted, whose kennel was at Betley, near Newcastle-under-Lyme, from which he hunted what is called 'the Woore Country' (once hunted by the late Sir Thomas Mostyn, previously to his taking Oxfordshire) and likewise a part of Shropshire. The interest evinced for many surrounding miles in this extraordinary, and I believe I may add unique, undertaking was immense; and it was supposed that, independently of the contents of the carriages, there were considerably more than a thousand horsemen in the field, with about 700 of these in scarlet.

* * *

"The place of meeting was Shavington Hall, the seat of that hearty old buck, that real specimen of an Irish nobleman, Viscount Kilmorey, who, although but little of a foxhunter himself, was a great promoter of the sport by his strict preservation of foxes; and who left an excellent name behind him as one of 'the right sort.' The time fixed was eleven o'clock, and at that hour a sight highly enjoyable to sportsmen presented itself, and, indeed, to all descriptions of persons who witnessed it; for, as is well known, there is nothing which adds more to fine scenery, in which this part abounds, than a well-attended pack of hounds at work in the covers.

"The *modus operandi* was this:—Six couples out of each pack were selected for trial, attended in the field by their respective huntsmen, namely—Will Head, afterwards with Lord Hastings, for the Cheshire; Will Staples, huntsman to Sir Edward Smythe, Mr. Lloyd of Aston, and Mr. Smythe-Owen, for the Shropshire; and Charles Wells,—once huntsman to the Oakley, for Mr. Wicksted. Will Head acted as leading man of the day, by reason of this being in the county which his hounds claimed as their own, as well as the Cheshire being the senior.

* * *

"Precisely at the hour of twelve the business of the day commenced; the 'United' packs were thrown into what is called the Big Wood, in Shavington Park,

“from which a fox almost immediately broke, and, having stood before them for thirty minutes, at a very severe pace, was lost near the village of Cloverly. Mytton soon got the lead, and very soon lost it, and nearly his life at the same time; for, coming to a deep sunk fence, or ha-ha, at which there was a high and stiff rail on the rising side, he halloed out,

“‘Now for the honour of Shropshire!’

“and gallantly charged it. This challenge, as it were, indicated two things:—first, that he considered the fence something like a stopper; and secondly, that he had determined not to be beaten by any man in the field so long as his mare could keep on her legs. But the drop, or the crowd in getting at it, proved too much for her, and she gave him a severe fall—in addition to his being much hurt by another person’s horse, that had followed him, coming upon him and crushing him; there being a dozen or so down together.

“The place, in fact, was a regular ‘Squire trap,’ and although Mytton quickly remounted and went on, bleeding and bareheaded—for his hat was too much crushed to be worth picking up, the horse in his wake having alighted on it—he was so much shaken by the fall as to be unable again to take his usual place, and he did little more than follow a leader during the remainder of the day. They had, however, two pretty things, a second fox being found in Lord Combermere’s Park, but the hounds were stopped after running about twenty minutes, as this proved to be a vixen; and a third fox was chopped in cover. The Shropshire, with Chanter and Orator, claimed to have the best of the ‘hunting’; but Will Head, for the Cheshire, was always with his hounds, and the honours may be said to have been divided.

“The Shavington day was on the 7th of April, 1829.”

Three years later, Francis, Earl of Kilmorey, died, on the 21st November, 1832, full of years and honours. A tablet in the nave of Adderley Church records the fact.

CHAPTER XXII.

THE CLOSE OF THE NEEDHAM REGIME AT SHAVINGTON.

[1832—1885.]

WITH FRANCIS, first Earl, the glories of the Needham connection with Shavington departed. His successor, Francis Jack, second Earl of Kilmorey, resided at Shavington for a brief period only, from 1832 to 1839, and the period of that residence was more remarkable for the eccentricities of the lord than for stirring events.

The Earl had a passion for purchasing and exchanging lands, and, during his residence at Shavington, he exchanged lands with most of his neighbours, including Colonel Clive, Mr. Dod, Lord Combermere, Sir R. Hill, and Sir Corbet Corbet. He also purchased the Morrey farms on the north-western side of Shavington Park, and built the great wall round the park, said to be seven miles in length.

Other records of his residence were of a less meritorious description. His chief or only friend and companion was his butler. He is said to have collected his rents personally, in specie, and it is said that one half-year's rent was lost and has never been found. His agent was Jack Mytton, son of the celebrated Jack Mytton, whose exploits at the great meet at Shavington have been alluded to in the previous chapter.

In 1839, he left Shavington for good, and, for nearly half-a-century, the estate was deserted: the park became the home of rabbits, the house the abode of rats.

The Earl lived to a great age, and was succeeded by his grandson Francis Charles, who, shortly after his succession, sold, in 1885, the Shavington Estates to the present owner, Arthur Pemberton Heywood-Lonsdale. Mr. Heywood-Lonsdale had previously, in 1878, purchased the Millenheath property, and, a year or two later, he

REFERENCE.

Property.	date acquired.	colored.
1 Shavington & Millenheath,	1500	Pink.
2 Tittenley,	1525	Blue.
3 Ightfield,	1710	dark Green.
4 Lord Combermere,	1822	Yellow.
5 Col. Clive,	1830	light Green.
6 Mr. Dod,	1835	Red.
7 Morrey,	1836	dark Brown.
8 Cloverley,	1887	light do.

C H E S H I R E .

4

C

7 MORREY.

3

Ightfield Hall.

Shavington Wood Farm.

Church.

IGHTFIELD.

PARK.
Shavington Hall.

1

Cloverley Dale.

2

TITTENLEY.

S H R O P S H I R E .

Ightfield Heath.

Corra.

Cloverley Hall.

Cloverley Pool.

Little Cloverley.

Lower Kempley.

1

MILLENHEATH.

GROWTH
OF
SHAVINGTON.

To Drayton.

To M. Drayton.

Newstead Lane.

Shavington Grange.

Lodge.

1

5

succeeded to the Cloverley Estates, thus uniting in one fine property the ancient estates of Shavington, Tittenley, Ightfield, Cloverley, and Millenheath.

Before finally closing this history, it may be as well to record here the genealogy of the Needham family, so long associated with the history of Shavington: especially as all previous genealogies have been in some respects defective:—

1. *Thomas Needham*, of Needham Grange, co: Derby, whose second son
 2. *William Needham*, married Alice de Cranage in 1375, and had
 3. *Robert Needham*, who married Dorothy Savage, and died 1448. He had three sons,
 4. (i) *Thomas*, married Maud Bereton, and died 1463, leaving a son
 - (5.) *William* ;
 - (ii) *Sir John Needham*, of Shavington, died 25th April, 1480 ;
 - (iii) *Robert*, died 1431.
 5. *William*, son of Thomas Needham, married Isabel Bromley, and died *circ*: 1480, leaving
 6. *William*, died without issue about 1500 ;
 7. *Sir Robert Needham*, of Shavington, married Agnes Mainwaring, and died 1556. He had a son
 - (8.) *Thomas*,
and six other sons and two daughters.
 8. *Thomas Needham*, married (1525) Anne Talbot, and died *circ*. 1560, leaving a son,
 9. *Sir Robert Needham*, of Shavington, who married Frances Aston, and died *circ*: 1606. He had two sons,
 - (10.) (i) *Robert*,
 - (ii) *Thomas*, married Eleanor Bagenall, whose son
Sir Robert Needham had three sons :
 - (i) *Robert*, grandfather of *William Needham*, who died 1806.
 - (ii) *George*,
 - (iii) *William* ;
- and several daughters :
- (i) Dorothy Chetwode,
 - (ii) Mary Vernon,
 - (iii) Jane Arkell,
 - (iv) Maude Aston.

10. *Sir Robert Needham*, of Shavington, was created Viscount Kilmorey in 1625. He married, firstly, in 1596, Joan Lacy, and secondly, in 1629, Katherina Robinson. He died 1631, and had by his first wife one son,
 - (11.) *Robert, second Viscount* ;
and two daughters :
 - (i) Francisca, wife of *Sir Rowland Cotton*,
 - (ii) Helena, wife of *Sir William Owen*.
11. *Robert, second Viscount*, married (1) in 1607, Frances Anderson, and had a son,
 12. *Robert, third Viscount* ; born 1608, married Frances Gerard, and died without issue 1657,
and two daughters :
 - (i) Frances, wife of Thomas Cotton, and
 - (ii) Eleanor.

and (ii) Eleanor, Lady Gerard, by whom he (who died 1653) had four sons :

 13. (i) *Charles, fourth Viscount*, and
 - (ii) *Thomas*,
 - (iii) *George*,
 - (iv) *Arthur*,

and six daughters :

 - (i) *Eleanor*, wife of Peter Warburton,
 - (ii) *Penelope*, wife of Ranulph Egerton,
 - (iii) *Elizabeth Needham*,
 - (iv) *Susanna*, wife of Richard Screven,
 - (v) *Mary*, wife of Christopher ———(?)
 - (vi) *Dorothy Needham*.
13. *Charles, fourth Viscount*, married (February, 1654) Bridgett Drury, and died 1660 ; he had issue :
 - (i) *Charles Needham*, born 1654, died in infancy ;
14. (ii) *Robert Needham, fifth Viscount Kilmorey*, born 1655, died 29th May, 1668, aged thirteen ;
15. (iii) *Thomas, sixth Viscount*, born September, 1658 ;
 - (iv) *Byron Needham*,
 - (v) *Maria Needham*, died 1690,
 - (vi) *Charles Needham*.

15. *Thomas, sixth Viscount*, married (4th December, 1679) Frances Leveson, and died 26th November, 1687, having had issue :
 - (i) *Thomas*, died 1680,
16. (ii) *Robert, seventh Viscount*, born 4th May, 1683,
 - (iii) *Charles Needham*, died 1684,
 - (iv) *Peter Needham*, died 1686.
16. *Robert, seventh Viscount*, born 4th May, 1683, married (19th August, 1701) Mary Crew Offley, and died 2nd October, 1710. He had issue
 17. (i) *Robert, eighth Viscount*, born 12th October, 1702, died 1716,
 18. (ii) *Thomas, ninth Viscount*, born 29th September, 1703, married Lady Mary Shirley, and died, without leaving issue, 3rd February, 1768 :
 - (iii) *Francis Needham*, born 3rd September, 1704, died 1712,
 19. (iv) *John, tenth Viscount*, born 18th January, 1710,
 - (v) *Anne Needham*, born 2nd September, 1705,
 - (vi) *Mary Needham*, born 9th November, 1706,
 - (vii) *Elizabeth Needham*, born 10th March, 1707, died 10th August, 1708,
 - (viii) *Henrietta Needham*, born 18th July, 1709.
19. *John, tenth Viscount*, married (1738) Anne Hurlestone, and died 27th May, 1791. He had issue :
 - (i) *Thomas Needham*, born 1740, died 1773,
 - (ii) *John Needham*, born 1743, died in infancy,
20. (iii) *Robert, eleventh Viscount*, born 14th November, 1746, married (10th January, 1792) Frances, daughter of Sir R. S. Cotton, and died November, 1818, without issue ;
21. (iv) *Francis, twelfth Viscount*, born 5th April, 1748,
 - (v) *Jack Needham*, died in infancy,
 - (vi) *Anne Needham*,
 - (vii) *Mary Needham*.
21. *Francis, twelfth Viscount*, was created Earl of Kilmorey and Viscount Newry and Morne, in 1822. He married (20th February, 1787) Anne Fisher, and died 21st November, 1832. He had issue :
 22. (i) *Francis Jack, second Earl*, born 12th December, 1787,
 - (ii) *Francis Henry William Needham*, born 1799, died 1868,

- (iii) *Anna Maria Elizabeth*, married the Hon: and Rev: Henry Cockayne Cust, she died 1866,
 - (iv) *Amelia Needham*, died 1860,
 - (v) *Frances Elizabeth*, married General George Powell Higginson,
 - (vi) *Selina*, married the Hon: Orlando Bridgman,
 - (vii) *Georgiana Needham*, died 1888,
 - (viii) *Alicia Mary*, married Samuel Ellis Bristowe,
 - (ix) *Mabella Josephine*, married the Hon: John Henry Knox.
22. *Francis Jack*, second Earl, married, firstly, Jane Gun Cunninghame, who died 1867, and secondly, Martha Foster; by his first wife he (who died 1880) had issue :
- (i) *Francis Jack*, Viscount Newry and Morne, born 2nd February, 1815. He married Anna Amelia Colville, and died 1851; he had issue :
23. (i) *Francis Charles*, third Earl, born 2nd August, 1842, who, in 1882, married Eleanor Constance Baldock, and has issue :
24. (i) *Francis Charles Albert*, Viscount Newry and Morne, born 1883, and another son and daughter ;
- (ii) *Henry Colville Needham*, born February, 1844,
 - (iii) *Edward Thomas Needham*, born 6th January, 1847,
 - (iv) *Lucy*, wife of William Drury Lowe,
 - (v) *Margaret*, wife of Hon: E. Littleton,
 - (vi) *Frances Aline Catherine Mary Needham*.
- (ii) *Robert Needham*, born 10th May, 1816,
 - (iii) *Francis Henry Needham*, born 3rd August, 1819, and has issue eight sons and five daughters ;
 - (iv) *Jane Selina Elizabeth Hinde*.
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APPENDIX I.

LIST OF NAMES OCCURRING IN OLD SHAVINGTON MSS. FROM 1245-1435.

A.					
Achesley, Radulph de	1340	Botiler, John le	1361		
—— Thomas de	1340	Bottefeld, William de	1364		
<i>Albomonasterio</i> [see Warren]		Boverthull, Wenwreight de	c 1245		
—— Lord Hugh de	c 1250, c 1260	<i>Bracy</i> , Sir Robert de	c 1285		
—— Griffin de	c 1250, c 1260	—— Matilda de	c 1285		
Aldelyme, Thomas de	c 1245	—— William de	c 1285		
Aleyn, William	1423	<i>Bret</i> , Agatha, daughter of Walrond le			
Alstaneston, Henry de	c 1245		c 1260		
Alton, Lord Thomas de	c 1280	Bromhale, W ^m de	c 1245		
<i>Arundell and Surrey</i> , Thomas, Earl of		<i>Burnell</i> , Richard	c 1260		
	1405-6	—— Isabel, his wife	c 1260		
Aston, Thomas de	1468	Bussell, John	1364		
B.					
Bacun, John (judge)	1312-3	C.			
Bathurst, William de	1364	<i>Calverhall</i> (Cloverley) William de	c 1280,		
Bayton, Thomas	1435		c 1285, 1311, 1315		
Bensted, John de (judge)	1312-3	—— Lawrence de	1311		
Bereford, William de (judge)	1307, 1312-3	—— William [de Cloverley]	1323		
Berl, John de	c 1260	—— Roger [de Cloverley]	1385, 1423		
Boerley, John	1405-6	—— Thomas de	1323		
—— William	1435	Careswell, Peter de	1361		
Bostock, Hugo	1435	<i>Chavernes</i> , John de	1260		
Botiler, Ld. William le	1361	—— Reginald de	1311		
		<i>Chetwynd</i> , Lord William de	1361, 1385		
		—— William, his son	1385, 1408		

Chetwynd, John, son of William	1408, 1423	Howard, William (judge)	1307
—— Richard	1408	Hulgreve, David de	1364
Cle, Reginald Fitz Hamon de	c 1250	Hull, [Hill] William de	1344
Colton, William de	1311, 1314-5	—— Rosamond de	1344
—— Robert, his son	1315, 1315-6	—— Hugh de	1344
Conley, James	1386	Hurmeson, William	1323
—— Robert de	1340		
Corbet, Robert	1405-6	I.	
—— Roger	1320	Inge, William (judge)	1312-3
—— Roger	1385		
—— Thomas	1435	K.	
Croneley, William de	c 1280	Knyghtle, Robert de	1361
D.		L.	
Delves, John	1423	Lacon, Richard de	c 1320
Dorlaston, John de	c 1260	—— Sir Richard	1435
		Leche, Geoffrey le	1364
E.		Lee, John de la	c 1285, 1311
Ercelawe, Richard de	1364	Leghton, John	1405-6
F.		M.	
Ferrars, Isabella de	1344	Madelegh, Thomas de	1364
Fitz-Stephen, John	1315	Modi, William	c 1260
Fox, William le	1340	—— Reginald, his son	c 1260, c 1280
G.		N.	
Gageyn, Thomas	c 1260	Napton, Lord Adam de	c 1280
Gamel, Richard	c 1280		
—— John, his son	1281	O.	
—— William	1281, 1311	Oddesdone, [Hodesdon] Sir Elias de	c 1280
Garveston, Hugh de	1307	Otteleye, Richard	1405-6
H.		P.	
Hacton, Robert de	1312-3	Parrock, John de	1296
Harcourt, Egidius	1423	Peshale, Lord Richard de	1385
Harpur, John	1423	Poynour, William	1405-6
Hengham, Rad: de (judge)	1307	Pres, Thomas de	c 1245
Hethe [Heath] Nicholas de	c 1280	—— Adam, his son	c 1250
—— Richard, his son	1281, 1314-5	—— Richard de	1314-5
—— Robert de	1311, 1340	Pulesdon, William de	1323-4, 1344
—— John	1314-5	—— Hugh de	1323-4
Horton, Richard	1405-6	—— Roger de	1323-4

R.

Rengushull, Philip de (Parson of Forton)	1369
Renport, Gregory	1423
Routon, William de	1312-3

S.

<i>Sandford,</i>	Rad: de	c 1250, c 1260, c 1280
————	Pimot de	c 1260
————	Richard de	c 1285, 1315
————	William, his son	1344
————	Rad: de	1315
————	Richard de	1344
————	Richard	1423, 1435
————	Nicholas	1423, 1435
<i>Say,</i>	Hugh de	1296, c 1320, 1323-4
——	Philip de (Rector of Hodnet)	c 1320, 1323-4
——	Robert de	1344
<i>Scheppys,</i>	William de	c 1280
<i>Scrop,</i>	Henry de (judge)	1312-3
<i>Shavington,</i>	Alexander de	1280-1, 1311, 1314-5, 1315-6, 1320, 1323-4, 1340, 1344
————	Henry de	c 1280
————	Reginald de	1296, 1360
————	Hugh, his son	1361
————	Henry de	1296-7
<i>Soletune,</i>	Ivo de	c 1280
<i>Stanton,</i>	Henry de (judge)	1307
<i>Stile,</i>	Hugh de	c 1260, c 1280
<i>Strange,</i>	Sir Fulk le	c 1320
<i>Styche,</i>	Adam de	c 1245
——	William de	c 1285, 1296, c 1320
——	William de	1408
<i>Swynnerton,</i>	Roger, Lord de	1296-7
——	John de	1296-7

T.

Thomynhorn, Thomas de 1408

Thornhill, William	1405-6
<i>Tittley</i> , [Tittenley] Lord William de	c1280
—— Thomas de	1296-7, 1312-3, 1323-4
—— Stephen de	c1320
Trikyngham, Lambert de (judge)	1307, 1312-3
Tybryghton, John de	1323

v.

Verdon, Theobold de c 1280

W.

Walsall, Adam	1386-7
Warren, William le	c 1245, c 1260
—— John le	c 1285, 1315, c 1320
—— Griffin le	1385, 1405-6, 1408
Wasteneys, Roger	1408
Wenlock, John	1435
Weston, William de	1280-1, 1296-7, c 1320
<i>Willaston</i> , [Wylaston or Willaveston]	
Edyn de	c 1245
—— Thomas de	c 1260, c 1280
—— Robert Fitz-Adam de	c 1260, c 1280
—— William, son of Richard de	c 1280
—— Richard, son of Thomas de	1281, 1311, 1315
—— Henry, son of William	1311
—— John de	1311
—— Roger de	1340
Wolton, Henry de	1369
—— Thomas de	c 1250, c 1260, 1281
Wottenhull, William de	c 1260
—— William de	1385

Y.

Younge, William le 1361

APPENDIX II.

THE PETITION OF THE INHABITANTS OF CHESTER TO HENRY VI.

[See ante, Chapter IV., p. 19.]

The following is a transcript of the Petition :—

“ Most giften, most benigne, & m̄cyfull Kynge. We youre humble suggettes &
“ trewe obsessants liege peple, the Abbotes, Priours & all the Clergy, Barons,
“ Knyghtes, Squiers, and all the coialtee* of youre comite palatyne of Chestre mekely
“ praien & beseechen youre highnesse. Where† the seide comite is and hath ben a
“ comite palatyne als well afore the conquest of Englund as sithen distincte &
“ separte from youre coron of Englund within which comite ye & all youre noble
“ pgenitours sith hee came into youre hondes & all erles of the same afore that
“ tyme have hade youre heigh courtes pliamentes to holde at youre willes, youre
“ chanciere estchequer, youre justice to holde plees as well of the coron as coe‡ plees
“ & by auctoritee of such pliamentes to make or admitte lawes within the same such
“ as be thoght expedient & behobefull for the will of you and of the enh̄ters &
“ inh̄itūnts of the same comitee & the enh̄ters of the same comitee be noght
“ chargeable nor lyable nor have not ben bounden charged nor hurt of thaye
“ londes, godes, nor possessions within the same comitee nor the inh̄itants of the same
“ comitee of thaye bodies afore this tyme by auctoritee of any p'liament holden in
“ other places than within the same comitee by any acte but such as that by thaye
“ owen coe‡ assent assembled by auctorite within the same comitee have agreeet unto
“ expiens|| of which ffinchery¶ libtees & immynitees thei have no knyghtes, citezins, nor
“ burgeyses of the seide comitee to any pliament out of the same comitee. And

* Commonalty. † Whereas. ‡ Common. || Experiencing. ¶ Franchise.

"also ye & all youre noble pgenitours & all erles whose estate ye have in the
 "seide erledom as erles of Chestre sith the conquest of Englonde have had within
 "the same *Regalem potestam* jura regalia & prerogativa regia & as olde writyngs
 "maketh mencon the most vittorouse kinge William conqueror youre noble pgenitour
 "gave the same comitee to Hugh Loup his nevewe by such deedes, wills conquestor
 "dedit comitat cestre Hugoni Lupo nepoti suo tenend sibi et hered suis adeo libe
 "ad gladiū sicut ipse teneret totam Angliam ad coronam* experiens of which gr̄nte
 "to be so in all appelles & all other suytes where by your coe† lawe ye write
 "contr coronam et dignitatem vram† ye & all youre noble pgenitours & all erles of
 "Chestre afore the seide erledome came into youre hondes as erles of Chestre writen
 "contra dignitatem gladii cestri which franchise notwithstanding there be youre
 "commissions direct out to sevr̄al commissions of the same comitee for the leve of
 "a subsidie gr̄nted by the coe† of youre londe at youre p'liament late holden at
 "Leicestre to make leve thereof contrarie to the libtees fredoms & franchises of the
 "seide comitee & of the inhit̄nts thereof at all tymes afore this tyme used that it
 "please your most noble gce of youre blessed favor the premisses gciously to
 "consider & also howe that we youre seide beseechers have ben as kynde of oure
 "trewe hertes with oure godes at tymes of nede as other pties of youre londe &
 "also redy to obey youre lawes & ordainces made & ordeynet within the seide
 "comitee & if any thinge be amys amonges us redy to be refomed§ by youre
 "hignesse be the avice|| of youre counsell within the seide comitee & to discharge
 "all such commissions of the leve of the seide subsidie within the seide comitee &
 "of youre more espial gce¶ ord that to segh that ther ben non acte in this plement nor
 "in any parlement hereafter holden out of the same comitee made to the hurte of
 "thaire bodyes, godes, londes, tents,** or possessions within the seide comitee for if
 "any such acte shude be made hit were clere contrairie to the libtees, fredoms, &
 "immynities & franchises of the seide comitee & as to resумыng of such possessions
 "as hit hath liked your highnesse to gr̄nte unto any of youre suggettes all
 "such as have oghte of youre gr̄nte within the seide comitee enhitaunces
 "shall be as redy to surrende thaire lres†† patentees which they have of
 "your gr̄nte for the more honourable kepyng of youre estate or elles
 "voide be auctorite within your seide comitee as any othe p'son within any other
 "partee of youre londe considering that we youre seide beseechers have been be &

* William the Conqueror gave the County of Chester to Hugh the Wolf, his nephew, to hold to himself and his heirs as freely by the sword as he himself held England by the Crown.

† Common. ‡ Vestram. § Reformed. || Advice. ¶ Especial grace. ** Tenements. †† Letters.

"er* will be trewe dredefull obees^d & lovyng to & of you as to & of oure most
 "doucet sovraign lorde oure erle & naturelle lorde we the seide Barons, knightes,
 "squyers, & coest† redy to live & degh with you agaynes all erthely creatures & by
 "yours licence to saye unto youre highnesse for the g^{ci}ous expedition of this oure most
 "behovefull petition, & we the seide abbotes, priours, & clergy contynelle to preye
 "to God for youre mst honourable estate pspite‡ & felicite which we all beseche
 "God to contynue with as longe live to reign upon us as er did prince upon peple
 "with yssue comyng of youre gracious bodye ppetually to raighn upon us for all
 "oure m'st singuler joy & comfort.

"And in witness that this is the will, assent, and desire, and agreement of us,
 "John, Abbot of Chestre, Thomas, Abbot of Vale Ryall, Richard, Prior of
 "Birkenhead, Edmund, Lord Grey, John, Lord Dudley, Thomas Stanley, Andrewe
 "Ogart, John Manewaring, knightes, John Troutbek, William Stanley, Thomas Danyell,
 "John Donne, Hugh Calviley, Rondull Brereton, Richard Cholmondeley, Ranlyn
 "Grosvenor, John of Eggton, Thomas Beston, Thomas Manley, Rauff Carwell, squyers,
 "Thomas Pull, John Dutton of Hatton, William Whitmore, William Holford, Richard
 "Bunbury, Thomas Venables, William Maynewaring, Richard Swynnerton, Richard
 "Spurstowe, Richard Clyve, Henry Ravenscroft, Thomas Hogh, & Jenkyn of Bebynton,
 "& of all other gentyls & comyns of the seide comitee that John Maynewaringe,
 "knight, Ranlyn of Eggerton, Robert Legh of Adlyngton, John Davenport of Davenport,
 "& John Nedeham, sue a petition in the form§ above written to the kyng oure soveign
 "lorde for us and all the enhiters & inhabitantes of the saide comite & in oure name
 "& we to abide be the saide suyte & to this p'sent writyng we have set oure seals.

Seals of (i) "The Abbot of Chester.

(ii) "The Abbot of Vale Royal.

(iii) "Sir Thomas Stanley.

(iv) "The Prior of Birkenhead.

(v) "John, Lord Dudley.

(vi) "Richard Cholmondeley.

(vii) "Edmund, Lord Grey."

* Ever.

† Common.

‡ Prosperity.

§ Form.

APPENDIX III.

SOME OLD RENTALS OF SHAVINGTON.

There are a considerable number of old rentals and accounts which shew the gradual increase in value of the property.

I.

The first * is of about the year 1560, the date of the succession of the second Sir Robert Needham. The Shavington property then comprised the manor and the copyholds held of Stoke-upon-Tern. It was about 250 acres, and the rental was £104 8s. 8d.

" Itm The Little Leas containes xv. akers three quarters of an " aker and 33 perches at vi ^s viij ^d an aker worthe by yeare	}	v ⁿ	vi ^s
" Itm the further Owlens cont twenty & eight akers at vi ^s an " aker & is worthe yearely	}	vij ⁿ	vij ^s
" Itm the narr Owlens cont xvij akers at viij ^s an aker & " ys worthe by yeare	}	vij ⁿ	xvij ^s
" Itm Grobsmer Meadowe cont xi akers off perche at xij ^s iij ^d " an aker and ys worthe by yeare	}	vij ⁿ	vi ^s vij ^d
" Itm one meadowe called Little Clovlie Dole Meadowe cont " vii akers and 32 perche at a marke an aker worthe yearelie	}	v ⁿ	
" Itm the Pale Close cont two akers & halfe and eight perches " at x ^s an aker	}		xxv ^s viij ^d
" Itm the Close next the wynde mylne two akers 3 quart ^r at " x ^s an aker	}		xxx ^s
" Itm the hoppyarde meadowe iij ^s akers off quarter with " 26 perches at xij ^s iij ^d an aker	}		lvij ^s

* Muniments of Shavington, VIII. § vii, 604.

" Itm the feild towards Hawkyns cont 60 akers at x ^a an aker }	xxx ^u		
" being a great pte meadowe			
" Itm the Synderhills containes fyve akers and a halfe at x ^a an }		lv ^a	
" aker			
" Itm the Synderills Meadowe twoe akers and a halfe and vi }	xxxiiij ^a	ix ^d	
" perches at xiiij ^d			
" Itm the other meadowe containes twoe akers and 20 perches }	xxviii ^a	iiii ^d	
" at xiii ^a iiij ^d an aker			
" Itm the towne feilde nexte Shenton Wood cont fyfye fower }	xxvij ^u		
" akers at x ^a an aker			
" Itm Shenton Wood cont xxxv akers at halfe a crowne an }	iiii ^u	vij ^a	vi ^d
" aker			
" Itm Willsons Meadowe containes 3 akers and 9 perches at }	iii ^u		xiiij ^d
" xx ^a an aker			
" Some ciiij ^u viii ^a viii ^d "			

II.*

In the year 1607, on the succession of the third Sir Robert (the first viscount), there is a rental of the Shavington estate, giving an acreage of 450 acres, and rental £228 11s. 6d.

Tittenley at the same date was estimated at 320 acres, and rental £91 1s. 6d.

III.†

About 1631 there is a valuation of the estate, endorsed in the handwriting of the second viscount:—"My father's vallation of his Estate."

This includes Shavington and Tittenley, and amounts to £700.

IV.‡

The next rental is dated 17 January, 1658-9, in the time of Charles, fourth viscount Killmorey. The estates were at this time in the hands of trustees for the purpose of discharging the incumbrances incurred by the sequestration. This rental shews a great increase in the rental of property in the time of the Commonwealth. It runs as follows:—

17 Jan. 1658-9.

The present Annual Rent of the Estate amounts to

1331 17 04^{ob}

The Proffitts are disposed off by the ffeoffees after this manner:—

	p. ann.
Imprimis to the Lord Killmorey	300 00 00
Intres money	0430 00 00

* Muniments of Shavington, VIII, § vii, 624.

† Ibid., 627.

‡ Ibid., 633, 634.

To ffoure of the Lord Killmorey's daughters duringe the life of dame Ellino ^r their mother untill their porçons be rayased 30 ⁿ a yeere accord to the deed of Trust which amounts to			
Excise of Salt & Taxes	120	00	00
An annuity dureing old Mr. Alexander Nedham's life	130	00	00
	030	00	00
	1010	00	00
Soe y ^t there remaines of the 1331 17 4 ^{ob} the sune of 321 ⁿ 17 4 ^{ob} which is disposed off by the Trustees for payment of debts	321	17	4 ^{ob}

A particular of the Lord Killmorey's Estate as it is now in present possession the yeare one thousand six hundred fifty eight in the countys of Salop, Stafford, & Cheshire.

The demesne landes in p ^r sent possession.		yeerely vallue.		
Shavington ;		li.	s.	d.
Sett to Richard ffurber		243	00	00
Sett to Robert Chester 3 other pceles of the said demesne		010	00	00
Sett in Willm Taylor one meadow		010	00	00
The Parke		040	00	00
Another pcell to Robert Worhall		024	00	00
Sum total		327	00	00

The demesne of Tittley in p ^r sent possession.		yeerely vallue.		
Tittley ;				
Sett to George Blanthorne of y ^e demesne		145	00	00
Sett to Rowland Eaton 2 pcells at		018	00	00
Sett to Francis Thorne the mill w th some pcells of land thereto adjoyninge		028	00	00
Sett to Jane Osborne		002	00	00
Sett to Rich ffurber one pcell		007	00	00
Sum is		200	00	00

A Perticular of the Severall Tenem^{ts} in the mano^r and Lordships before mençoned determinable upon one two and three liyes together wth old rents reserved upon Leases and the yeerely vallue of them :—

Tenem^{ts} in lease for 1 life.

SHAVINGTON.

Reserved rent.

li.	s.	d.		yeerely vallue.
00	05	00	Robert Hope one Cottage	005 00 00

* * *

Tenem^m in lease for two lives.

TITTLE. Y.

				yeerely value.
01	08	00	Katherine Webb one tenem ^t	015 00 00
00	10	00	James Standish one tenem ^t	013 06 08

MILNEHEATH.

02	00	04	Rowland Higgins one tenem ^t	050 00 00
00	10	00	John Benbowe one tenem ^t	012 00 00

* * *

Tenements in lease for three lives.

02	00	00	Richard Savage one tenem ^t	024 00 00
03	00	00	Richard Thompson one tenem ^t	026 13 04

TITTLE. Y.

01	06	08	Rich. ffurber one tenem ^t	024 00 00
----	----	----	--------------------------------------	-----------

* * *

LONGFORD.

03	10	02	John Heath one tenem ^t	013 13 04
----	----	----	-----------------------------------	-----------

ADDERLEY.

01	00	00	Francis Mullocke one tenem ^t	014 00 00
00	05	08	Willm Meakin one cottage	004 00 00

MILNEHEATH.

00	16	08	Will ^m Falkoner one tenem ^t	020 00 00
----	----	----	---	-----------

V.

There is a MS. book, dated 1686, giving a list of leases in existence in that year. This was in the time of Thomas, sixth Viscount Kilmorey. This book gives full particulars of the leases, old rents, and annual value. Omitting the first items it runs as follows:

SHAVINGTON.

	Old rent.				value p ann.
	£	s.	d.		
	2	00	00	John Savage	024 00 00
average	0	07	00		
	3	00	00	Mr. Richard Thompson	026 13 04
average	0	02	00		
	0	05	00	Robert Hope	005 00 00
average	0	01	00		

Note that Shavington Demesne is accounted at £12 of an old rent & so paies taxes accordingly to ye Church & Poor of Adderly.

* Muniments of Shavington, VIII, § vii, 640.

TITTLY.

Old rent.		value p ann.
1 06 08	Widdy Furber	024 00 00
average 0 07 00		
Herriott £3 or best beast.		

ADDERLEY.

01 00 00	Francis Mullock	015 00 00
average 00 07 00		
Herriott		
00 05 08	William Meaken	004 00 00
average 00 00 06		
Herriott		

MILNE HEATH.

0 10 00	Mr. Daniel Benboe	012 00 00
average		
Herriott		
0 16 08	Margaret Heath	020 00 00
average		
Herriott		

From the same book the rack rentals of the remainder of the property appear to be as follows:—

SHAVINGTON.

William Wild for Shavington demesne	£137 00 00
Herriott £10 to keepe a hounde 3 days plowing yearley.	
Afterwards set to Richard Sherwin & others till 1700 at	£165 00 00

TITTENLEY.

William Threadgold	42 00 00
Sam Blanthorn	110 00 00
Francis Hamnett for Mill	034 00 00
Newstead Lane	016 00 00

MILNE HEATH & LITTLE ASH.

Mr. Samuel Sandfor of the Twemlows	012 10 00
1700	
George Batteridg	022 10 00

VI.*

The following items are extracted from the rentals from Ladyday, 1722, to Ladyday, 1723, during the lifetime of Thomas, ninth Viscount Kilmorey:—

Shavington ;	li.	s.	d.
The hall gñs &c.			
The Park Joseph Painter	30		

* Muniments of Shavington, VII, § vii, 643.

	li.	s.	d.	li.	s.	d.
Michael Haynes Park Field	5	00	00	12	10	
Do. part of Park	7	10	00			
Robert Butterson & Partner, the two Brick fields				20		
The new meadow Wilson's Croft Hen Meadow Do.				16		
Nearer Laund further Laund, Worrall's Croft Do.				39		
Corridge	15	0	0	19		
Waste ground about Shavington House, Doye Coat, &c.	4	0	0			
Isaac Forrester Long Meadow	6	0	0	12		
Cinderhills & Cinderhills Meadow	6	0	0			
John Barnes for his farme				120		
Joseph Painter for his farme				49		
Matthew Griffith				4		
John Savage, Shaw, Wood, &c.				22	13	
Wid: Worrall for her farme				22		

Shavington lease for lives;

	li.	s.	d.		s.	d.	li.	s.	d.
John Savage rent	2	—	—	average	7	—	2	7	0
Mr. Morgan rent		5	8	average		6		6	2
Jane Mullock rent	1	—	—	average	7	—	1	7	—
Mr. Garratt rent	3	—	—	average	2	—	3	2	—

Tittenley als Tittly;

Ric ^d Browne for Tittly Parke & Pearle Pool Meadow	45	—	—
Thos: Cartwright for the Hang & land, late Webb's	3	15	—

Milne Heath;

John Peers for house & land	5li.		
Item for Davis's land	2 li.	7	—
Lease & Chief Rents;			
Mr. Woolaston a cheif Rent	—	—	3½
Mr. Patrick Glass		12	—
Tho ^s Benbow	1	6	—

Ightfield lease for lives;

Mr. Grinsell rent	2 ^h (capons 2) 2 ^s	2	2
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An account of my lord's lands in lease.

Millenheath;

	value.	lives.	age.
	li.	s.	d.
Mr. Glass D ^o life	10	0	0
Widdow Benbow, nurse Benbow	30	0	0

	value.			lives.		age.
	li.	s.	d.			
Shavington ;						
Mr. Jarratt late Bradburn, Ann Bradbury, Elz: Hill,						
Tho: Lynell	34	0	0	3	30.35.37	
Mr. Savage D ^o life	25	0	0	1	37	
Adderley ;						
Mr. Morgan, Mad ^m Ann Needham, Mrs. Morgan	04	0	0	2	18.50	
Ightfield ;						
Mr. Grinsell one living one dead one outlaw'd quere dead	36	10	0	1	45	
<hr/>						
Millneheath ;						
Land Tax in a chief John Peers for house and land	5	0	0	}	7	0 00
rent £0 2 0. It for Davis's land	2	0	0			
Lease & chief Rents						
Mr. Woollaston a chief rent					000	00 03½
Mr. Patrick Glass					000	12 00
Ightfield Lease for lives ;						
Mr. Grinsell, rent	2	00	0	}	002	02 00
. Capons 2	0	02	0			

« Finis. »





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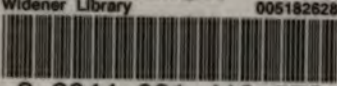
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